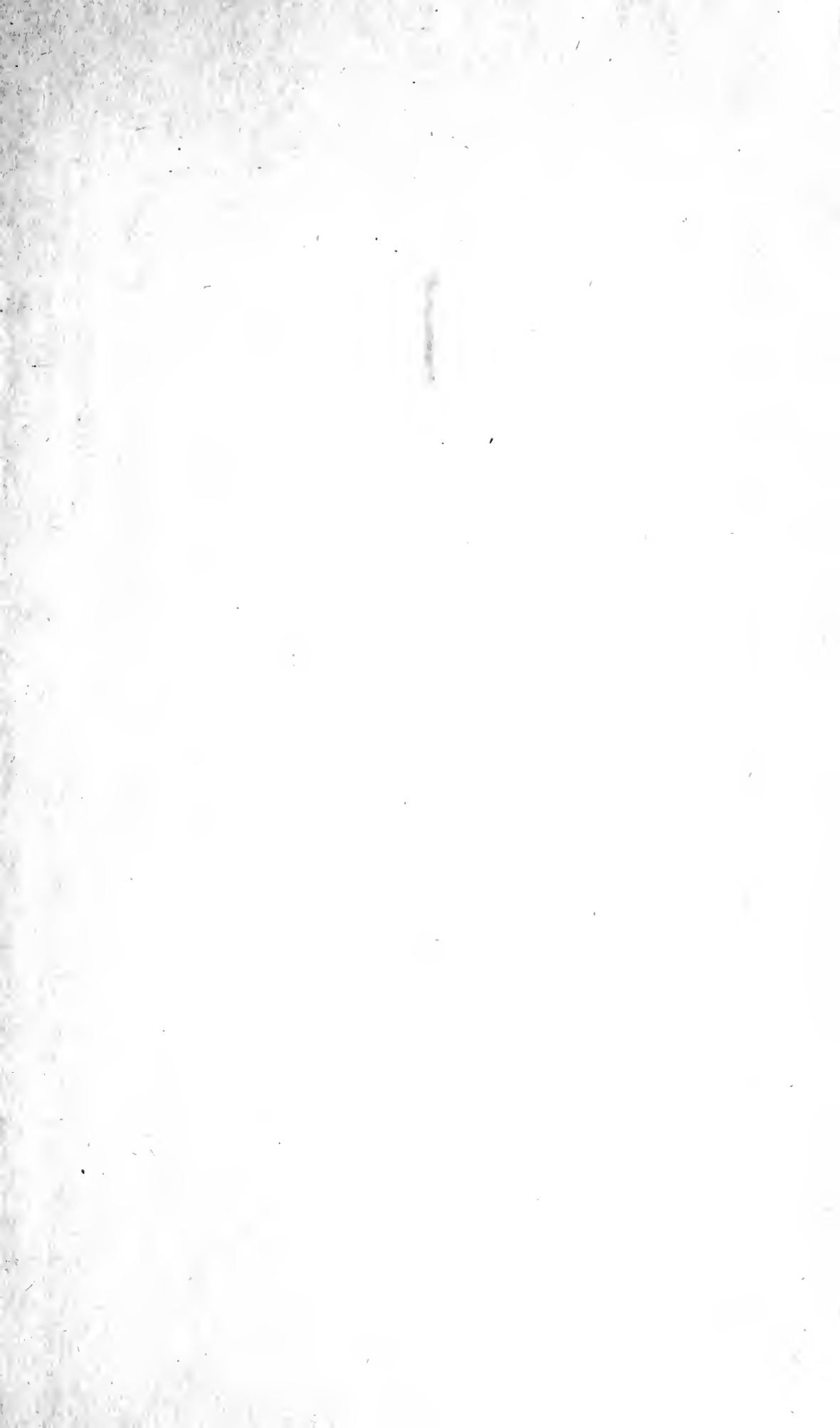






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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF

THE STATE OF INDIANA,

DURING THE

FORTY-NINTH SESSION

OF THE

GENERAL ASSEMBLY,

COMMENCING THURSDAY, JANUARY 7TH, 1875.

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VOLUME I.

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REGULAR SESSION.

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INDIANAPOLIS:

SENTINEL COMPANY, PRINTERS.

1875.



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# JOURNAL

OF THE

## HOUSE OF REPRESENTATIVES.

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The forty-ninth regular session of the General Assembly of the State of Indiana, begun and held at the capitol, in the city of Indianapolis, on Thursday, the 7th day of January, A. D. 1875, at ten o'clock A. M., being the day fixed for the meeting of the same.

The House of Representatives being called to order by Hon. W. W. Curry, Secretary of State, by authority of an act of the General Assembly, the following members answered to their names and were sworn into office (except Nathan H. Clark of Hamilton county, C. S. Shugart of Grant county, J. C. Ratliff of Wayne county, B. L. Harris of Wayne county, H. M. Marvin of Boone county, John R. Miller of Montgomery and Parke counties, who affirmed,) by the Hon. A. C. Downey, one of the Judges of the Supreme Court of the State of Indiana, and took their seats, viz :

From the county of Allen—Mahlon Heller and Patrick Horn.

From the counties of Adams and Wells—Augustus N. Martin.

From the counties of Brown and Bartholomew—Alfred Williams.

From the county of Boone—H. M. Marvin.

From the county of Carroll—James L. Johnson.

From the county of Cass—James A. Cantley.

From the county of Clay—George W. Bence.

From the county of Clarke—Thomas S. Bellows.

From the counties of Crawford and Orange—J. L. Megenity.  
 From the county of Clinton—Frank D. Caldwell.  
 From the county of Daviess—Harvey Taylor.  
 From the county of Decatur—J. N. Shaw.  
 From the county of Dearborn—C. Johnston.  
 From the county of Delaware—William Ribble.  
 From the counties of Delaware and Jay—Matthew A. Smith.  
 From the counties of Dubois and Martin—A. J. Gossman.  
 From the county of DeKalb—Miles Waterman.  
 From the county of Elkhart—Albert Osborn.  
 From the county of Floyd—John S. Davis.  
 From the county of Fountain—Jesse Marvin.  
 From the county of Franklin—John S. Martin.  
 From the counties of Fayette and Union—Milton Trusler.  
 From the county of Gibson—Jacob W. Montgomery.  
 From the county of Grant—C. S. Shugart.  
 From the counties of Grant and Blackford—William Twibill.  
 From the county of Greene—M. C. Fulk.  
 From the county of Hamilton—Nathan H. Clark.  
 From the county of Hancock—Smith McCord.  
 From the county of Harrison—Samuel Ramsey.  
 From the county of Hendricks—J. W. Morgan.  
 From the counties of Hendricks and Putnam—William H. Ragan.  
 From the county of Henry—Mark E. Forkner.  
 From the counties of Henry and Madison—A. R. A. Thompson.  
 From the county of Howard—James M. Darnell.  
 From the county of Huntington—J. C. Favorite.  
 From the counties of Huntington and Wabash—Albert H. Shaffer.  
 From the county of Jefferson—James W. Lanham.  
 From the county of Jackson—A. Davisson.  
 From the county of Jennings—James M. Wynn.  
 From the county of Johnson—C. McFadden.  
 From the counties of Jasper and White—George H. Brown.  
 From the county of Knox—Charles E. Crane.  
 From the county of Kosciusko—John D. Heighway.  
 From the counties of Kosciusko and Fulton—George W. Bears.  
 From the county of Lagrange—Samuel Harper.  
 From the county of Lake—Samuel Ames.  
 From the county of Laporte—Edward Evans.  
 From the county of Lawrence—A. J. Williams.  
 From the county of Madison—G. W. Harris.



From the county of Marion—E. C. Kennedy, James Hopkins, James L. Thompson, David Turpie.

From the counties of Marion and Shelby—E. T. Keightly.

From the county of Marshall—D. A. Snyder.

From the county of Monroe—Wm. N. Roseberry.

From the county of Morgan—John Kennedy.

From the county of Miami—David Charters.

From the counties of Montgomery and Parke—Jno. R. Miller.

From the counties of Miami and Howard—Samuel Woody.

From the counties of Noble and Elkhart—George T. Barney.

From the county of Montgomery—P. S. Kennedy.

From the counties of Newton and Benton—James M. Emerson.

From the county of Noble—O. D. Willett.

From the county of Owen—Jesse H. Reno.

From the counties of Ohio and Switzerland—William T. Pate.

From the county of Putnam—J. G. Edwards.

From the county of Parke—Daniel Thomas.

From the county of Porter—Theodore Crumpacker.

From the county of Perry—John H. Haynes.

From the county of Pike—James W. Arnold.

From the county of Posey—John Walz.

From the county of Ripley—M. L. Henderson.

From the county of Randolph—M. A. Reeder.

From the counties of Ripley, Rush, and Decatur—Barker Brown.

From the county of Rush—Jacob Reddick.

From the county of Spencer—James Romine.

From the county of Sullivan—James L. Nash.

From the counties of Scott, Jennings and Jefferson—L. C. Law.

From the county of St. Joseph—David R. Leeper.

From the counties of St. Joseph and Marshall—W. C. McMichael.

From the counties of Stark, Fulton and Pulaski—George Burson.

From the county of Steuben—E. B. Glasgow.

From the county of Shelby—William Patterson.

From the county of Tippecanoe—Samuel Shortridge and J. H. Anderson.

From the counties of Tipton and Hamilton—Samuel M. Taylor.

From the county of Vanderburgh—Adolph Pfafflin and William H. Miller.

From the county of Vermillion—E. Y. Jackson, Sr.

From the county of Vigo—Benjamin F. Havens and Joseph Gilbert.

From the county of Wabash—Hiram Dale.

From the county of Wayne—B. L. Harris and J. C. Ratliff.

From the county of Warrick—Nathan Pyeatt.

From the county of Washington—Alfred B. Collins.

From the county of Warren—John C. Lincoln.

From the county of Whitley—Thomas Washburn.

On motion of Mr. Heller, the House proceeded to the election of a Speaker by *viva voce* vote.

The following nominations were made for Speaker :

Mr. Davis of Floyd nominated Hon. David Turpie of Marion.

Mr. Glasgow of Steuben nominated J. M. Darnell of Howard.

Mr. Miller of Vanderburgh nominated M. C. Fulk of Greene.

The following is the result of the first ballot :

*Those who voted for Hon. David Turpie were,—*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davisson, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown—56.

*Those who voted for the Hon. J. M. Darnall were,*

Messrs. Ames, Anderson, Bearss, Charters, Clark, Crumpacker, Dale, Favorite, Forkner, Glasgow, Harper, Harris of Wayne, Heighway, Kennedy of Montgomery, Kennedy of Morgan, Latham, Morgan, Pfafflin, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shortridge, Shugart, Taylor of Tipton, Thomas, Trusler, Twibill, Woody, Wynn—30.

*Those who voted for the Hon. M. C. Fulk were,*

Messrs. Brown of Jasper, Emerson, Jackson, Miller of Parke, Miller of Vanderburgh, McFadden, Thompson of Henry—7.

Hon. David Turpie having received a majority of all the votes cast, was declared duly elected Speaker of the House of Representatives for and during the present Legislature.

On motion of Mr. Heller, the House proceeded to the election of Principal Clerk.

The following nominations were made:

S. W. Holmes, of Jackson, C. T. Nixon, of Marion, and I. A. Thomas, of Lawrence.

*Those who voted for S. W. Holmes were,*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davisson, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett and Williams of Brown—56.

*Those who voted for Mr. Nixon were,*

Messrs. Ames, Anderson, Bearss, Clark, Crumpacker, Dale, Darnall, Favorite, Forkner, Glasgow, Harper, Harris of Wayne, Heighway, Kennedy of Morgan, Kennedy of Montgomery, Lanham, Morgan, Pfafflin, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shortridge, Shugart, Taylor of Tipton, Thomas, Trusler, Twibill, Woody and Wynn—30.

*Those who voted for I. A. Thomas were,*

Messrs. Brown of Jasper, Emerson, Fulk, Jackson, Lincoln, Miller of Parke, Miller of Vanderburg, McFadden and Thompson of Henry—9.

Mr. Holmes having received a majority of all the votes cast, was declared by the Speaker duly elected Clerk of the House of Representatives.

On motion of Mr. Heller, the House proceeded to the election of Assistant Clerk.

The following nominations were made:

T. C. Mays of DeKalb, John Howard of Henry, — Smith of —.

*Those who voted for T. C. Mays, were*

Messrs. Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davisson, Davis, Edwards, Evans, Gilbert, Gossman, Harper, Havens, Haynes, Heller, Hopkins, Horn, Johnson, of Carroll, Johnston of Dearborn, Keightley, Kennedy, of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willet, Williams of Brown—54.

*Those who voted for Mr. Howard, were*

Messrs. Arnold, Brown of Jasper, Emerson, Fulk, Lincoln, Miller of Parke, Miller of Vanderburg, Morgan, McFadden, Thompson of Henry—10.

*Those who voted for Mr. Smith, were*

Messrs. Ames, Anderson, Bearss, Charters, Clark, Crumpacker, Dale Darnall, Favorite, Forkner, Glasgow, Harris of Madison, Heighway, Henderson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Morgan, Pfafflin, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shortridge, Shugart, Thomas, Trusler, Woody, Wynn—30.

Mr. Mays having received a majority of all the votes cast was declared by the Speaker duly elected Assistant Clerk of the House of Representatives.

On motion the House proceeded to the election of Doorkeeper.

The following nominations were made:

Moses T. Lewman of Putnam, J. H. Buchanan of Jefferson, H. S. Slinkard of Greene.

*Those who voted for Mr. Lewman were,*

Messrs. Arnold, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davisson, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown—56.

*Those who voted for Buchanan were,*

Messrs. Ames, Anderson, Bearss, Charters, Clark, Crumpacker, Dale, Darnall, Favorite, Forkner, Glasgow, Harper, Heighway, Henderson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Morgan, Pfafflin, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shortridge, Shugart, Taylor of Tipton, Thomas, Trusler, Twibill, Williams of Lawrence, Woody, Wynn—34.

*Those who voted for Mr. Slinkard were,*

Messrs. Brown of Jasper, Emerson, Fulk, Jackson, Lincoln, Miller of Parke, Miller of Vanderburg, McFadden, Thompson of Henry—9.

Mr. Lewman having received a majority of all the votes cast was declared duly elected Doorkeeper of the House of Representatives.

The Hon. David Turpie, Speaker elect, S. W. Holmes, Principal Clerk elect, T. C. Mays, Assistant Clerk elect, and M. T. Lewman,

Doorkeeper elect, were sworn into office by the Hon. A. C. Downey, one of the Judges of the Supreme Court of the State of Indiana, and entered upon their respective duties.

Hon. J. M. Darnall of Howard and Hon. M. C. Fulk of Greene, the committee appointed by the Hon. W. W. Curry, Secretary of State, to escort Mr. Turpie to the Chair, having discharged that duty, the Speaker then addressed the House as follows :

GENTLEMEN :

For this distinguished mark of your confidence, in calling me to preside over your deliberations, I return you my sincere thanks.

I trust that in the attempt which I shall make to discharge the difficult and delicate duties of the Chair, I may depend upon the continued support of your forbearance and partiality.

The great and varied interests of the State are for a season committed to our care. Let us see to it that we are diligent in the discharge of this trust. The constitutional limit of the session is a brief one. It is therefore to be hoped that gentlemen having legislative measures to propose, will call attention to them at as early a day as possible, so that the committees may be at work and there may be fair and full examination of every subject of importance brought before us for public action.

Some changes of the law seem necessary. Public opinion has recently indicated them. Let them be made as speedily as possible. Let us not be anxious, however, to change or to do too much. Let us rather be careful that what is done is well done.

If, without presumption, anything may be hazarded in the way of counsel concerning our action here, it may be this: that the time of the session should not be too much taken up with the discussion of national politics.

Our connection as Legislators with those subjects is neither very correct or very efficient ; nor does this detract from the importance of our own position. The Legislature of the State ought not only to be the school, but the sphere of the truest and best statesmanship in our country.

Very little attention is usually paid at Washington to the traditional resolutions instructing our Senators and requesting our Rep-

representatives in regard to their action, even when the delegation in Congress is in political accord with the Legislature here, and still less when it is not so, as is now the case. Discussion is fruitless when the power to act and to determine is wanting.

Let us then discourage all unprofitable debate. Let us work hand in hand with a common purpose, to advance, in every possible way, the interests of the State, and the welfare of the generous constituencies which have given us their confidence. In this labor Indiana expects every gentlemen to do his whole duty. The time of the session is not ours ; it belongs to the people. Time, especially in this season of financial difficulty, is money. This time of the people is their money. Let us be conscientiously and rigidly economical in the use of it. Let every hour spent in this hall be thoroughly devoted to the public service.

Lest I myself should in this respect be an offender, I will delay the organization of the House no further except again to thank you.

Mr. Gilbert offered the following resolution :

*Resolved*, That the Clerk inform the Senate that the House of Representatives has organized by the election of David Turpie, Speaker ; S. W. Holmes, Principal Clerk ; T. C. Mays, Assistant Clerk ; Moses T. Lewman, Doorkeeper ; and are now prepared to proceed to Legislative business.

Which was adopted.

Mr. Heller introduced the following resolution :

*Resolved*, That the rules of the last House of Representatives be adopted for the government of this until otherwise agreed upon.

Amended so as to adopt rules of special session.

The amendment was not adopted.

The original resolution was adopted.

Hon. W. W. Curry, Secretary of State, delivered to the Speaker the papers in the Taylor-Waterman contest from DeKalb county.

Mr. Crumpacker introduced the following resolution :

*Resolved*, That the daily meetings of this House shall be at 9 o'clock a. m. until otherwise ordered.

Which was adopted.

Mr. Wynn introduced the following resolution :

*Resolved*, That a special committee of five be appointed to prepare rules for the government of this House and report the same on Monday next.

Which was not adopted.

Mr. Heller offered the following resolution :

*Resolved*, That the Clerk of the House be directed to obtain from the State Librarian one hundred copies of the rules of the last session and place one upon the desk of each member.

Which was adopted.

On motion the House adjourned until 2 o'clock p. m.

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#### AFTERNOON SESSION.

JANUARY 7, 2 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

Mr. Caldwell introduced the following resolution :

*Resolved*, That the thanks of the House of Representatives are hereby tendered to the Hon. A. C. Downey, of the Supreme Court, for the services rendered by him this day in assisting to organize the House.

Which was adopted.



Mr. Fulk introduced the following resolution :

*Resolved by the House of Representatives, the Senate concurring,* that there shall be appointed by the House and Senate a joint committee, consisting of three Senators and six Representatives, to which committee shall be referred all claims, which if allowed would properly be included in the Specific Appropriation Bill that may be presented to either the House or the Senate, and after said claims have been acted upon by said committee, the chairman thereof, or some other member whom he may designate, shall report to each House their action thereon.

Which was laid on the table by consent until Friday, January 9, 1875.

Mr. Marvin introduced the following resolution :

*Resolved,* That a committee of three on the part of the House, to act with a like committee of the Senate, be appointed to inform the Governor that the session of the Legislature of 1875 has fully organized, and is ready to receive any communication he may desire to offer.

Which was adopted.

A committee from the Senate waited upon the House with the information that the Senate had organized.

On motion a committee of three was appointed by the Speaker to inform the Governor that the House had organized.

The Speaker announced the following named gentlemen as the committee:

Mr. Marvin of Boone, Mr. Fulk of Greene, and Mr. Darnall of Howard.

Mr. Waterman introduced

House Bill No. 1. An act to repeal an act entitled "An act in relation to the organization of the two Houses of the General Assembly, prescribing the number of employes of each House, and regulating their duties," and declaring an emergency.

Which was read and passed to a second reading.

Mr. Crumpacker introduced

House Bill No. 2. A bill fixing the per diem of members of the General Assembly, and providing that they shall furnish their own stationery, and fixing the per diem of employes, and providing for the repeal of all laws conflicting with the provisions of this act, and declaring an emergency.

Read a first time.

Mr. Havens offered the following joint resolution:

Joint resolution of the Senate and House of Representatives on the subject of military usurpation in Louisiana.

WHEREAS, The appalling news has reached us that the House of Representatives of the State of Louisiana, after it had been duly organized, and the election and qualification of its members, had been, according to the State constitution, passed on by that body, has been entered by armed soldiers, under the command of the President of the United States, who dragged a part of the members from their seats, and forcibly broke up the organization of the Assembly; and

WHEREAS, Such acts are not only unlawful and tyrannical, but are a gross and unwarranted violation of the sovereign rights of a State, and they should be branded as infamous by every lover of constitutional liberty; therefore,

*Resolved by the Senate and House of Representatives,* That we do most solemnly protest against the wrong perpetrated by the military power against a sovereign State, and do instruct our Senators and request our Representatives in Congress, to immediately take such steps as will speedily restore to Louisiana her outraged sovereignty, and not only this, but that will effectually stop the perpetrators of this great crime against liberty and law from a further repetition of their infamous acts.

Mr. Lanham moved to lay the resolution upon the table.

The question being shall the resolution be laid upon the table.

The ayes and nays were called for.

*Those who voted in the affirmative, were*

Messrs. Ames, Anderson, Bearss, Charters, Clark, Crumpacker, Dale, Favorite, Forkner, Glasgow, Harper, Harris of Wayne, Heighway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Miller of Vanderburg, Morgan, McFadden, Pfafflin, Ratliff, Ragan, Reeder, Ribble, Shafer, Shortridge, Shugart, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody, Wynn—37.

*Those who voted in the negative, were*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davisson, Davis, Edwards, Emerson, Evans, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Keightley, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, McCord, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—59

So the amendment was not laid on the table.

The original resolution was then passed to a second reading.

The following resolution was received from the Senate :

*Resolved*, That a committee of two on the part of the Senate, be appointed to join a like committee on the part of the House, to wait upon his Excellency, the Governor, to inform him of the organization of the two Houses and learn of him at what time it will suit his convenience to make whatever communication he may desire to the Legislature.

Mr. Edwards, of Putnam, asked for leave of absence for the afternoon.

Granted.

Mr. Williams introduced

House Bill No. 3. An act to amend sections 102, 107, 108, 125 and 270, and to repeal section 276 of an act entitled "An act to provide for a uniform assessment of property and for the collection and return of taxes thereon," approved December 21, 1872.

Which was read a first time.

Mr. Trusler introduced

House Bill No. 4. A bill fixing the per diem and mileage of members of the General Assembly, and declaring an emergency.

Which was read a first time.

Mr. Woody introduced

House Bill No. 5. An act to amend an act entitled "An act to define what shall be the salary of the Governor, the manner of paying the same and declaring an emergency," approved December 11, 1872.

Which was read a first time.

Mr. Kennedy introduced

House Bill No. 6. A bill to legalize the incorporation of the town of Martinsville, Indiana, and to legalize all orders, by-laws, ordinances, levies and assessment of taxes made, passed and adopted by the Board of Trustees of said town.

Which was read a first time.

Mr. Wynn introduced

House Bill No. 7, An act fixing the per diem and mileage of members of the General Assembly, and providing that the members shall provide their own stationery and repealing 'An act in relation thereto, approved December 19th, 1872.

Which was read a first time.

Mr. Shaw introduced

House Bill No. 8. An act to regulate the sale of intoxicating liquors, to provide against evils resulting from any sale thereof; to punish drunkenness and deceitful practices in obtaining liquor; to furnish remedies for damages resulting from its sale; to prescribe penalties and repeal all other laws on the subject, and declaring an emergency.

Which was read a first time.

Mr. Marvin, Chairman of the Select Committee to wait upon the Governor by the House and inform him of the organization of the same, submitted the following report:

The committee who was appointed to wait upon the Governor and inform him of the organization of this House for the session of 1875, have performed that duty, and the Governor has signified his intention to deliver his message to both Houses in joint session to-morrow morning at 10 o'clock.

HENRY M. MARVIN,

JAMES M. DARNALL,

MARTIN C. FULK,

Committee.

Which report was accepted.

Mr Havens introduced

House Bill No. 9. An act to regulate and license the sale of spirituous, vinous, malt, and other intoxicating liquors; to prohibit the adulteration of liquors; to repeal all former laws contravening the provisions of this act, and prescribing penalties for violation thereof.

Which was read a first time.

Mr. Taylor introduced

House Bill No. 10. An act fixing the per diem of members of  
H. J.—2

the General Assembly, and providing that they shall provide their own stationery, postage stamps and newspapers.

Which was read a first time.

Mr. Osborn introduced

House Bill No. 11. A bill to provide for the pay of the members of the General Assembly.

Which was read for the first time.

Mr. Harris of Madison, introduced

House Bill No. 12. An act to amend the first section of an act entitled "An act fixing the per diem and mileage of members of the General Assembly, and providing that they shall provide their own stationery," approved December 19, 1872.

Which was read a first time.

Mr. Harris of Madison introduced

House Bill No. 13. An act to amend the 102d section of an act entitled "An act to provide for a uniform assessment of property and for the collection and return of taxes thereon," approved December 21, 1872.

Which was read a first time.

Mr. Willett introduced

House Bill No. 14. A bill fixing the per diem and mileage of members of the General Assembly, and providing that their stationery shall be furnished by the State.

Which was read a first time.

Mr. Martin of Wells, introduced

House Bill No. 15. An act fixing the salaries and allowances of members of the General Assembly.

Which was read a first time.

Mr. Martin of Wells, introduced

House Bill No. 16. An act to define what shall be the salary of the Governor, the manner of paying the same, repealing all former laws upon the same subject and fixing the time when it shall take effect.

Which bill was read a first time.

Mr. Willett introduced

House Bill No. 17. A bill to regulate the sale of intoxicating liquors, and to repeal an act entitled "An act to regulate the sale of intoxicating liquors, approved February 27, 1873.

Which was read a first time.

Mr. Clark introduced

House Bill No. 18. A bill declaring drunkenness to be a misdemeanor, prescribing punishment therefor and requiring persons convicted of intoxication to inform where liquor was obtained.

Which was read a first time.

Mr. Crumpacker introduced

House Bill No. 19. An act to define what shall be the salary of the Governor; the manner of paying the same, and repealing all laws conflicting with the provisions of this act.

Which was read a first time.

On motion of Mr. Davis, the House adjourned until to-morrow morning at 9 o'clock.

DAVID TURPIE,

Speaker.

## FRIDAY MORNING.

JANUARY 8th, 9 O'CLOCK.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of yesterday was read and approved.

The Honorable Mr. Pate of Switzerland and Ohio counties, asked for leave of absence, until Monday evening next, on account of serious illness in his family,

Which request was granted.

Mr. Marvin offered the following resolution :

*Resolved*, That the Senate be invited to meet the House of Representatives in joint convention this morning at ten o'clock, for the purpose of hearing the message of the Governor, and that the Clerk inform the Senate thereof.

Which was adopted.

Mr. Hopkins offered the following resolution :

*Resolved*, That the Doorkeeper proceed at once to prepare seats for the accommodation of the Senate.

Which was adopted.

Mr. George S. Davis was appointed Post Master of the House of Representatives, and as such was duly sworn in.

Mr. Heller presented the following resolution :

*Resolved*, That the Secretary of State furnish each member of the House of Representatives with one copy of the Acts of Assembly, the Brevier Reports, and the House Journals for the years 1872 and 1873.

Which was adopted.



Charles Keightly was appointed to act as page for the Principal Clerk.

Mr. Hopkins offered the following resolution :

*Resolved*, That the Doorkeeper be instructed to proceed at once to the preparation of the necessary committee rooms for the use of the committees and clerks of this House.

Which was adopted.

Mr. Darnall offered the following resolution :

*Resolved*, That we cheerfully indorse the spirit and sentiments of the inaugural address of our Honorable Speaker, and especially that portion in reference to the discussion of national politics, and believe if this advice is strictly adhered to much time will be saved, much bitter feeling avoided, and a wholesome reform inaugurated in conducting the business of our Legislature.

Which was adopted.

Mr. Williams of Brown, offered the following concurrent resolution :

WHEREAS, It has been usual to have the sessions of the General Assembly opened by prayer in the convention of the two Houses for hearing the Governor's Message. Therefore,

*Resolved by the House of Representatives, the Senate concurring*, That a committee of three be appointed by the House to act with a like committee on the part of the Senate, to wait upon some clergyman of the city and request him to perform that service, and that the Senate be invited to attend in the Hall of the House of Representatives at 10 o'clock to day, to hear the message of his Excellency, the Governor.

Which was adopted.

The following committee was appointed by the Speaker in accordance with the concurrent resolution of Mr. Williams of Brown, to-wit :

Messrs. Williams of Brown, Edwards and McMichael.

Mr. Fulk offered the following resolution :

*Resolved*, That a time not exceeding five minutes each morning be devoted to devotional exercises and that the Young Men's Christian Association be requested to make arrangements with the clergymen of this city for one of them to be present and officiate each morning as Chaplain of this House, and in the event of there being none present at the hour of opening, then that the Speaker call on one of the several clergymen who are members of this body, to officiate in that capacity.

Which was not adopted.

Mr. Martin offered the following resolution :

*Resolved*, That the sincere thanks of the members of the House of Representatives be and are hereby tendered to Hon. W. W. Curry, the Secretary of State, for his prompt and gentlemanly manner and services in organizing this body.

Which was adopted.

On motion of Mr. Davis, a committee of three was appointed to inform the Senate that the House was ready and in waiting for the Senate for the purpose of going into joint session for the reception of the Governor's Message according to the special order of yesterday.

Whereupon the Speaker appointed as said committee Messrs. Davis, Woody and Gilbert.

Mr. Williams of Brown, from the joint committee appointed to procure a clergyman to open the House with prayer, reported that they had procured the services of the Rev. W. F. Black, of Indianapolis.

Mr. Edwards introduced

House Bill No. 20. An act to repeal an act entitled, "An act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing for certain officers therein named,

and for the establishment and regulation of township libraries, and to repeal all laws in conflict therewith, providing penalties therein prescribed," approved March 6th, 1865, and adding supplemental sections thereto, March 8th, 1873.

Which was read a first time.

Mr. Forkner introduced

House Bill No. 21. A bill to authorize the Judge of one circuit to hold the courts of another in cases of necessity or convenience, and declaring an emergency.

Which was read a first time.

The Secretary of the Senate made the following report :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has concurred in the concurrent resolution, No. 7, offered in the House by Mr. Williams of Brown, and that the Senate has appointed on said committee Senators Brown and Oliver.

Mr. Williams introduced

House Bill No. 22. An act to amend sections 4, 5, 6, 8, 14, 15, 18, 20, 24, 26, and 40 of an act entitled "An act regulating the fees of officers and providing penalties for its violation : repealing certain acts therein named and providing duties to be performed by State, county and township officers and matters properly connected therewith and declaring an emergency," approved March 8, 1873.

Mr. Cantley introduced

House Bill No. 23. An act making it the duty of County Commissioners of the various counties in the State of Indiana to procure for their respective counties at the expense thereof certified copies of the records affecting land in said counties, from the offices of the commissioners of the general land office of the United States, of the Secretary of State for the State of Indiana and of the Trustees of the Wabash and Erie Canal, said certified copies to be placed in the

Recorders' offices of the several counties, there to be kept in book form and consulted in the same manner as other records therein are kept.

Mr. Waterman introduced

House Bill No. 24. A bill to provide for collecting damages from owners of sheep killing dogs, and providing for arbitrations in such cases.

Mr. Forkner introduced

House Bill No. 25. A Bill defining certain misdemeanors and prescribing punishment therefor.

Mr. Forkner introduced

House Bill No. 26. A Bill relating to and prescribing some of the duties and liabilities of the Clerks of the several courts of this State.

Mr. Woody introduced

House Bill No. 27. An act to amend an act entitled "An act to fix the per diem of members of the General Assembly."

Mr. Shaffer introduced

House Bill No. 28. An act compelling parents and guardians to educate their children and wards.

Mr. Fulk offered the following resolution :

*Resolved*, That the House hereby invite the ministers of the several churches in this city to meet with the House each morning and participate in its opening devotions, and the minister to lead be designated by the Speaker.

Which was laid on the table.

#### JOINT CONVENTION.

The Senate then, in pursuance of the invitation of the House,

came into the hall of the House, preceded by the President of the Senate, and was seated on the right of the Speaker when the joint session was called to order by the Hon. Leonidas Sexton, President of the Senate.

The President then said :

*Gentlemen of the General Assembly of the State of Indiana :*

We have assembled here this morning for the purpose of hearing the message of the Governor of the State. Preliminary, however, to that duty, by concurrent resolution of the two houses, it has been ordered that the meeting be opened with prayer. For that purpose Elder Black is present.

Rev. Mr. Black was conducted to the Speaker's stand, when the House was opened with prayer.

On motion of Mr. Davis, a committee was appointed to wait upon the Governor, and inform him that the House and Senate are now in joint session for the purpose of receiving the Governor's Message.

The President then appointed Messrs. Davis of Floyd, on behalf of the House, and Senator Gooding of Vanderburg, on behalf of the Senate as said committee.

Thereupon said committee retired and presently returned accompanied with the Hon. Thos. A. Hendricks, Governor of the State of Indiana, who proceeded to deliver his message to the General Assembly of the State of Indiana as follows :

## GOVERNOR'S MESSAGE.

*Gentlemen of the Senate and House of Representatives :*

During the two years since the last meeting of the Legislature, the people of Indiana have been blessed in a special degree with general health and bountiful harvests and I again invoke the continuance of a kind Providence over them.

## REVENUES AND APPROPRIATIONS.

The assessed value of the taxable property of the State in 1874, was \$954,857,475, which was an increase of more than three hundred million dollars since 1872. That increase in the assessment was attributable in part to the increase of values in the State; but it was largely caused by the operation of the revenue act passed at the special session of the last Legislature. That act required that taxable property should be assessed at its value "estimated at the fair price it would bring at a fair, voluntary sale." Prior laws had required assessments to be made upon cash values, but long administrative construction and usage had allowed a much lower valuation. By the exercise of a diligent supervision the Auditor of State was able to advance the valuations in the spirit as well as in accordance with the letter of the law. The appraisement at the fair value fixes a plain rule, which is easily understood and which excludes all discretion, defeats favoritism and partiality, and promotes equality and justice towards all. The law also constituted the Governor, Lieutenant Governor, Secretary of State, Auditor of State and Treasurer of State a Board of Equalization, with power to assess the property and stock of corporations, including railroad companies. With care and great labor the Board sought to make the valuations so that the assessments should be just to the people and fair towards the railroads. The action of the Board increased the assessment of railroad property in the State from about \$11,000,000 in 1872 to nearly \$40,000,000 in 1874.

There are two hundred and sixty-five thousand persons in the State who are subject to a personal or poll tax of fifty cents each. The assessments of property, amounting to nearly \$955,000,000, and the personal or poll tax, constitute our important sources of revenue. In estimating what may be realized at any proposed rate of levy, experience has shown that a deduction must be made of twenty per cent. for delinquencies. When you shall have decided, what appropriations of the public moneys you will make for each of the next two years it will be of easy calculation what tax levy must be made to supply the State Treasury. A low levy must be preceded by economy in the appropriations. This I urge respectfully, but very earnestly.

The appropriations must be sufficient to enable each department of the State Government to exercise its functions without hindrance

or delay. Thus far there is no question or discretion. So, also, the common schools, the benevolent institutions and the public safety must be sufficiently provided for. But the expenditures for these purposes should be made with rigid economy and with a view to substantial and permanent benefits. Will you allow me to suggest that it would be appreciated by the people should your reforms commence with a reduction in Legislative expenditures. It would be an assurance to them which would promote public confidence and give to your proceedings an additional moral weight. At the session of 1871, the miscellaneous expenditures exceeded the pay of the members; and at the last special and regular sessions that class of expenditures was still greater, being about \$960 per day, though it did not exceed the pay of the members, which had been increased for the regular session. I suggest the propriety of a revision of the act of December 23, 1872, which prescribes the number and classification of your employes, with a view to a further reduction.

#### RECEIPTS AND EXPENDITURES.

There was in the Treasury March 1, 1873,.....	\$169,633 90
From that day until the close of the year ending October 31, 1873, there was received for State purposes from all sources .....	\$438,191 14
During the year ending October 31, 1874, there was received for State purposes.....	893,091 97

During the last session of the Legislature it became apparent that the revenue would be inadequate to meet the ordinary expenses of the State. Provision had also to be made for the one hundred and ninety-one old bonds, as required by the act of December 12, 1872. In that condition of the Finances the act of March 10, 1873, was passed authorizing the Governor, Auditor and Treasurer of State to make temporary loans to meet the appropriations. Pursuant to that act temporary loans were made as follows:

At 8 per cent. due March 12, 1875.....	\$200,000 00
At 7 per cent. due April 15, 1876.....	510,000 00
At 8 per cent. due December 1, 1876 .....	200,000 00
Total revenue for State purposes received during the two years ending October 31, 1874, including the temporary loans and the amount in the Treasury March 1, 1873.....	2,410,917 01

During the same period there was received on account of the Benevolent Institutions, \$68,584.69. This sum was realized from the labor of the inmates and from individuals and counties pursuant to law.

At the close of the year ending October 31, 1874,

there was in the Treasury..... \$244,203 78

The payments from the Treasury during the two years ending October 31, 1874, for revenue refunded, for ordinary expenditures, and for the Benevolent Institution amounted to \$1,544,316.43.

By the act of December 12, 1872, the Governor, Attorney General, Secretary of State and Treasurer of State were authorized to "take up and redeem" one hundred and ninety-one old bonds issued by authority of the State prior to the year 1841, which had not been surrendered under the adjustment made by the State with her creditors. Pursuant to that act ninety-seven of the bonds, with their coupons, have been surrendered and paid, amounting to \$495,487.30. Ninety-four are yet outstanding, a part not having become due, and the residue not having been presented for payment.

For a more particular description of the bonds and coupons which have been paid, I refer you to the detailed lists thereof, which accompany the reports of the Auditor of State for the years 1873 and 1874.

For a statement of the receipts and expenditures on account of the college, saline, bank tax, surplus revenue, and miscellaneous funds, I refer you to the same reports.

#### STATE DEBT.

The State is indebted as follows:

Five per cent. certificate, State stock.....	\$26,469 99
Two and one half per cent. certificates, State stock...	3,285 13
War loan bonds, six per cent., due 1881.....	139,000 00
Temporary loan made under act of March 10, 1873, which I have before mentioned more in detail...	910,000 00
Ninety-four old bonds required to be paid by the act of December 12, 1872.....	94,000 00
	<hr/>
	\$1,172,755 12



The accumulated interest upon the ninety-four old bonds should be added, but I have no means of ascertaining the amount, but the same will not be large.

The indebtedness of the State to the school fund is evidenced by five non-negotiable bonds, at six per cent., and amounts to \$3,904,783.22.

That is known as the domestic debt.

#### COMMON SCHOOLS.

The permanent school fund of the State is guarded by the provision of the constitution, which declares that it shall be perpetual—that it may be increased, but shall never be diminished—and that the income thereof shall be inviolably appropriated to the support of common schools and to no other purpose whatever.

The fund is made up as follows :

1st. The amount which the State owes it, and which is evidenced by her non-negotiable bonds bearing interest at the rate of six per cent.....	\$3,904,783	21
Additions from fines and other sources.....	67,197	24
Amount held in the counties, and loaned by the Auditors on mortgage security at eight per cent., and for the preservation of which the Constitution makes the counties liable.....	2,341,267	12
2d. Congressional Township Fund, being the proceeds of the sales of the school sections.....	2,295,778	63
Estimated value of 13,453 acres of unsold school lands .....	102,293	40
Total permanent fund .....	\$8,711,319	60

The interest realized upon the general fund above mentioned is annually apportioned among the counties according to the enumeration of school children; but the interest upon the Congressional Township Fund is not so apportioned. It belongs to the Congressional townships, because the grant of the sixteenth section in each township was made by the act of Congress providing for the organization of the State government, to the "inhabitants of the township for the use of schools."

During the year 1873, the fund was increased, including the proceeds of a portion of the lands, but not including the portion of the Sinking Fund which was distributed, \$64,940.96, and during the year 1874 it was increased from the same sources, \$73,792.11.

The revenue realized during the year ending November 15, 1874, to be used in the support of schools, was as follows:

Interest on permanent fund .....	\$ 407,839 19
Derived from school tax.....	1,013,463 42
Unclaimed witness fees and other sources.....	72,304 96
Total.....	<hr/> \$1,493,597 57

To this sum is to be added the interest on the Congressional Township Fund .....\$ 172,209 82.  
And the amount received from local taxation. .... 551,785 74

Six thousand two hundred and sixty-five dollars and four cents was not distributed, but remains in the treasury. There has been received and distributed during the year for the support of schools \$2,211,328.13

The enumeration of 1874 of children between the ages of six and twenty-one years, shows the number of 654,364; the number enrolled in the schools is 489,044; and the average attendance upon the schools has been 311,272. Twelve thousand six hundred and fifty-five teachers have been employed.

The reports of the County Superintendents show a general and rapid improvement in almost every respect affecting the efficiency of the schools. The houses and grounds, fixtures and apparatus are being improved and made more attractive and convenient, and greater skill and success in the art of teaching and governing the children are being promoted. The Township and County Institutes are increasing the efficiency of our school system. Improvement is the natural result of professional association in the Institutes. The opinions, practice and experience of the teachers are brought under examination, and into comparison. The art of teaching is improved and the profession of the teacher, as it should be, is ennobled and dignified. I ask your attention to the carefully prepared report of the Superintendent of Public Instruction. You will find the views expressed and the information given important for your careful consideration in your relation to the schools of the State.

There is no subject to which I could call your attention in respect to which your responsibility is greater than any measure materially affecting the success and influence of the schools. Your responsibility and mine are too great to allow any important action upon hastily formed or ill-digested opinions. The guiding sentiment should be economy in expenditure and efficiency in the system. Neither should be sacrificed to the other. The school fund is sacred to a cause of the highest importance, and its waste, or extravagant use, would be a crime against society. All extra compensation and discretionary allowances should be prohibited. If, upon careful consideration and the test of experience, you find that the distinguished man who was the late Superintendent of Public Instruction, and whose recent death the country mourns, made a mistake in respect to any part of the machinery of our system, you will correct the mistake, but in your examination you will find the great weight of his opinion in the scales.

He was an economist, a friend of the people and the able champion of common-school education.

As representatives of the people we have occasion to be proud of the high character which our educational system maintains, and the people will approve the sentiment if you give it expression in legislation that, in respect to the cause of common-school education, we will take no step backwards.

#### THE STATE NORMAL SCHOOL.

By the act of March 5, 1873, fifteen thousand dollars per annum of the school revenue was permanently set apart as the Normal School Fund and appropriated to the support of the Normal School. The Board of Trustees have contracted an obligation of thirteen thousand two hundred and ninety dollars to provide for suitably heating the building. They ask that you will appropriate funds for its payment. The improvement was important to the institution, and I recommend that the appropriation be made. I think the school has been under good management, and that its success has been equal to the expectation that induced its establishment. In entering the institution, the students assume an obligation to make a return for the advantages which they enjoy by teaching in the common schools. They have thus far been faithful to that duty. The object of the school is to cultivate teachers in the art and science of their

profession. The beneficial results are already being felt over the State. The trained teachers influence and improve others with whom they come in contact in the schools and in the teachers' institutes. That influence will be constantly increasing as the graduating classes grow larger. As an important auxiliary to our common schools it merits your fostering care. Your attention is called to the reports of the Board of Trustees and of the President of the faculty, which give a clear and full statement of the condition and management of the institution, the condition of its finances and the reasons for the recommendations made by the Board.

#### THE STATE UNIVERSITY.

During the collegiate years, from June 28, 1872, to June 28, 1874, the State University has received the following revenues:

Endowment Fund .....	\$13,500 00
Under the act March 8, 1867.....	16,000 00
Appropriated February 9, 1873.....	22,500 00
Appropriated March 10, 1873.....	24,000 00
Appropriated March 10, 1873, for building .....	20,000 00
Appropriated December 14, 1872, deficiency.....	8,000 00
From counties, interest on lands sold.....	2,120 09
From other sources.....	3,457 62
Amount in treasury June 28, 1872.....	222 75
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Total.....	\$109,800 46

Of this sum \$90,500 was appropriated and paid from the State Treasury.

During the same period, the expenditures were \$108,613.21, of which \$40,473.46 was for the addition to the college buildings; and \$7,541.16 was for the Owen and Ward cabinets, and \$4,800 on the expenses of the medical department; and \$4,780 in payment upon loans; and \$1,665 for additions to the library, making \$58,806, and leaving \$49,807, the expense of the institution for two years, independent of the medical department, or \$24,903 per annum.

The number of students in attendance in 1874 was 371. Of these 108 were connected with the medical department in this city, which department cost the University nothing beyond the \$4,800 which I have mentioned. The entire number of students in the literary

and law departments, including 120 in the preparatory schools and select course, is 266. The expense of maintaining the institution is at the rate of \$93.62 for each student.

The course of study has been so arranged as to promote the convenience and success of students passing from the High Schools into the University. That is an improvement which will make the University of much greater advantage to the common and High Schools of the State.

For a description of the new College building, and a statement of its uses, and for a statement of the mode in which the institution is conducted, I refer you to the President's report.

#### THE PURDUE UNIVERSITY.

By the Act of Congress of July 2, 1862, the State of Indiana became entitled to land scrip equal to 30,000 acres for each of her Senators and Representatives in Congress, for the support and maintenance of a College, the leading object of which should be the teaching of such "branches of learning as are related to agriculture and the mechanic arts." The College was located in Tippecanoe county, near the city of LaFayette, and on the west bank of the Wabash. In consideration of a large donation made to the College by John Purdue, Esq., the Legislature gave it the name and style of "The Purdue University." The land scrip was sold and the proceeds invested by the Treasurer of the University in United States six per cent. bonds. He has also invested the accumulating interest. He now holds three hundred bonds and \$4,690.42 in currency. The Treasurer's report shows that in 1867 the fund was of the value in currency of \$212,238.50, and that it is now of the value of \$356,502.92, showing an increase of \$144,264.42. That constitutes the permanent fund, the proceeds of which only can be used in support of the University, and the State is liable for its loss or diminution. By the act of March 6, 1865, the Treasurer is chosen by the Board of Trustees, and is required to give bond in a sum not less than \$200,000, with sureties to be approved by the Board. Because of the State's guaranty of the fund the Treasurer's bond should be required in a sum equal to the fund, including its accumulations, and subject, also, to the approval of the Governor.

For a statement of the improvements and expenditures that have been made, I refer you to the Treasurer's report. The buildings

are substantial, and the improvement of the surrounding grounds and the farm have been tastefully and economically made. A. C. Shortridge, Esq., a man of ability and good acquirements, and for many years Superintendent of the schools of Indianapolis, was chosen President. The professors and teachers were chosen after careful investigation of their qualifications for their respective positions. The University was opened for the reception of students on the 16th of last September. Forty-six students were admitted. Some were rejected because they lacked preparatory education.

For a full statement of the course of study, and the proposed management of the University, I refer you to the President's report.

I have taken much interest in this institution, and have given to its management all the attention I could bestow. Good faith and policy require that it be made successful, and to accomplish the beneficent purpose of the grant. In the language of the grant it is intended to "promote the liberal and practical education of the industrial classes in the several pursuits and professions of life." It is the people's university, and I commend it to your watchful and fostering care.

#### SECRETARY OF STATE.

The executive service of the State properly connected with the office of the Secretary of State has been administered with fidelity and ability by that officer. In the discharge of my duties, I have received valuable assistance from him. His reports give a full and interesting statement of the transactions of his office.

#### THE ATTORNEY GENERAL'S OFFICE.

The Attorney General's report gives a statement of the transactions of his office, and of the sums collected by him during the two years ending November 6, 1874, and payments made into the State Treasury, and into the treasuries of the counties. He adjusted claims against the United States amounting to \$182,736.78. Of that sum \$52,869.41 was retained in the United States Treasury for prior overpayments. His entire collections were \$299,884.70.

#### THE SOLDIERS' ORPHANS' HOME.

The Soldiers' Home was located in Rush county near the town of

Knightstown, and for several years was the home for the disabled soldiers of Indiana. When the United States had made ample provision for them, it was converted into an asylum for the orphan children of deceased soldiers, and became known as the Soldiers' Orphans' Home. The children are provided for and educated, and on the 31st day of October, 1874, they numbered two hundred and ninety. The expenditure from the State Treasury during the year ending October 31, 1873, was \$33,977.98, and for the year ending October 31, 1874, was \$35,308.36.

#### THE INSTITUTE FOR THE BLIND.

The Institute for the Blind is "an educational establishment, having for its object the moral, intellectual, and physical training of the blind of both sexes." Pupils are received between the ages of nine and twenty-one years, who are of sound mind and good moral character. Their boarding and instruction are without charge, but if clothing is furnished to the indigent the Institute is re-imbursed by the counties. During the year ending October 31, 1874, one hundred and thirteen pupils were in attendance, and during that year the expenditures were \$38,235.55, and during the year previous \$38,674.29.

For a full statement of the management and condition of the Institute I refer you to the carefully prepared reports of the Board of Trustees and of the Superintendent, and the detailed statement of the expenditures. Your attention is also called to their estimates, and the reasons given for increased appropriations for repairs, improvements, and enlarging the building.

#### THE INSTITUTE FOR THE DEAF AND DUMB.

The Institution for educating the Deaf and Dumb is located at Indianapolis. Its object is to educate persons of that class between the ages of ten and twenty-one years, and to make them proficient in some useful occupation or trade, so as to enable them to provide for their own support. The number of pupils in attendance during the year 1874 was three hundred and thirty-four.

The expenditure for the year ending October 31, 1873, was \$70,584.57, and for the year following, \$68,960.88. The report of the Superintendent calls your attention to the important fact

that the increase of deaf mutes in the State is in a ratio exceeding that of the increase of the population. His statement of the causes, and his array of facts in support thereof are of special interest. You will find it important to consider with care his suggestions for adequate provision for the large number who can not now be provided for at the Institute. Considerations of policy, as well as of humanity, and the requirement of the constitution demand that they be so educated, and instructed in useful employments as to render them self-supporting. Society thereby, in a large degree, will be relieved of their maintenance, and they will be made happy in the consciousness of honorable independence.

#### THE HOSPITAL FOR THE INSANE.

The Hospital for the Insane is located two miles west of Indianapolis, upon a tract of land of one hundred and sixty acres. Its object is the treatment of the insane with a view to their restoration, and none are received who are supposed to be incurable.

On the 31st day of October, 1873, there were in the hospital four hundred and seventy-four patients, and during the following year three hundred and seventy-three were admitted, and three hundred and sixty-five were discharged. Of those discharged one hundred and ninety-four were considered cured, forty-five improved, and ninety-two unimproved and incurable.

The expenditures for the year ending October 31, 1873, were \$209,339.47, and for the year ending October 31, 1874, \$195,702.52. Substantial and valuable improvements and repairs have been made during the last two years.

I ask your careful attention to the reports of the Trustees and of the Superintendent. They show the gratifying fact that the per cent. of recoveries has been unusually large during the last year, and the general health of the inmates improved. This result gives assurance that the expenditures for improvements suggested by experience have been wisely made. Pure water, fresh and pure air, careful attention and eminent skill give the result of more than fifty per cent. of cures. But a large portion of this most unfortunate class remain unprovided for. They can not be properly taken care of in the poor houses. In hundreds of instances they are a terrible burthen upon families—the objects of ceaseless anxiety. It seems there is no place for them in private life. They become hopeless



objects of commiseration, and sometimes of disgust. Without the capacity in many instances to preserve decency, they bring shame and humiliation to friends and neighbors. They can not speak to you. They do not know you, nor do they know that you, the people's representatives, are their guardian. They can not read the constitutional provision in their behalf, but you and I can. The honor of the State and the humanity of the people will not allow these poor unfortunates to be longer neglected. I believe Indiana is to-day the most prosperous State of the Union. Her people are liberal and generous in a cause like that for which I plead. Everybody else has a home. These poor, starless, hopeless wrecks of humanity must also have a home. They must be cared for, that they may live, and die, and be buried, like our brothers and sisters.

The grounds upon which the present institution stands are sufficient for another, entirely separate, and of equal or greater capacity. I concur in the recommendation of the Superintendent, to which I call your special attention, that the new Hospital be located thereon. His suggestion of the economy and advantage of one general management is very important. I recommend a special tax for the work, to be known as the tax for the Insane. A small levy will provide for its commencement, and its prosecution from year to year until completed. When completed, it will be your best and most enduring monument.

#### THE STATE PRISON, NORTH.

On the 15th day of December, 1874, there were four hundred and fifty-five convicts in the Northern Prison, which was an increase of eighty-seven during the year. The government of the prisoners has been rigid, but just; their food has been abundant and wholesome, and their clothing comfortable. There has been but little sickness in the prison, and but four deaths during the last two years.

During the two years ending December 15, 1874, there was received from the income of the prison, \$123,200.40; and expended for current and ordinary expenses, \$104,034.26.

No part of the appropriation of \$20,000 made March 10, 1873, for the current expenses of the prison has been required or used. There has been expended during the two years for permanent improvements, \$14,060.96, and a small sum upon the library. The improve-

ments include an abundant supply of water, a new shop, and a new roof upon the cell house. The old roof was destroyed by fire. The defect which probably caused the loss, and the manner in which it has been remedied, are stated in the report of the Board of Directors. The labor of the prisoners used in making the improvements is not included in the estimate of the cost.

Additional shop room is required for the advantageous employment of the convicts, and an additional cell house should be built. There are but three hundred and eighty-five cells in the prison, whilst there are four hundred and fifty-five prisoners to be provided for, and the number is rapidly increasing. It is hurtful to health and discipline to confine more than one prisoner in a single cell.

The favorable financial condition of the prison is attributable to the promptness and fidelity of the contractors as well as to the diligence and efficiency of the Warden and his assistants.

I have not been able to execute the act of March 10, 1873, authorizing the exchange of certain of the prison lands for other lands owned by Peter Donnelly, for the reason that there are errors of description in the act. It is important that the exchange be made. The proposed acquisition is necessary for proper drainage. I recommend that the act be amended so as properly to describe the lands.

#### THE STATE PRISON, SOUTH.

During the year 1873 the average number of convicts in the Prison, South was three hundred and ninety-five, and on the 15th day of December, 1874, the number was four hundred and seventeen. Much, and severe, sickness prevailed during the two years. It became almost epidemic. There were thirty-six deaths.

The report of the Directors for 1873 showed repairs amounting to \$17,802.05. They stated that the work done had put the prison in good repair. But the report of 1874 shows an expenditure for additional repairs of \$21,577.21, making in the two years \$39,379.26. No new structures appear to have been erected. The description of the work done, requiring so large an expenditure, is not sufficiently full to enable you or the executive to judge of its extent and propriety. I understand that some of the prisoners were employed upon improvements about the prison, and that their labor was charged at sixty cents per day to the repairs, and thereby the expenditures upon that account appear larger than they really were. The

Warden's reports show the ordinary expenses for the two years to have been \$119,743.26, and the proceeds of prison labor, \$136,314.73, but in this statement is included an expenditure for repairs, and, also, a portion of the \$19,000 received from the State treasury and, also, the labor of a portion of the convicts employed upon prison work.

There are constantly insane convicts in both prisons. They should not be kept with the other prisoners. I concur in the recommendation of the Wardens that provisions should be made for their separate confinement.

During the last three years the greater portion of the convicts in the Southern Prison have been employed by the Southwestern Car Company. Prior to that use of the prison labor the Ohio Falls Car and Locomotive Company had erected extensive and valuable works in the city of Jeffersonville, and were employing a large number of mechanics and laborers in the construction of railroad cars. During the last eighteen months the competition has interfered with the business of the outside works; and it is claimed that it has seriously disturbed the employment of free labor. It has caused much dissatisfaction and discontent in that locality. I think it is a hardship that should be remedied, if possible. The Falls Company had expended a large sum of money in the construction of their works and had attained successful operation, and large numbers of mechanics and laborers, amounting to several hundred, had removed to the city and obtained reliable employment, as they supposed, when the new Car Company was organized for the use of the prison labor in direct competition. The constitution, as well as humanity, requires that the treatment of the convicts shall have reference to their reformation. Reformation, by confinement, without labor is impossible. Considerations of policy also require their employment at such useful labor as will support the Institution. But I think this labor should not be brought in such direct and destructive competition with free labor, especially in a case where the free labor had first established its own reliable employment. The existing contracts will continue in force for about two years. During that time no complete remedy can be found, but after the expiration of the contracts the prisoners should be otherwise employed. In the meantime, should you authorize the commencement of the Asylum for the Insane, perhaps you can provide for the employment of a portion of the prisoners upon that work. Other States have found such use of the labor convenient and expedient.

## THE REFORMATORY INSTITUTION FOR WOMEN AND GIRLS. ]

By the appropriation made at the last Legislature the indebtedness on account of the Reformatory was paid and the building completed. Mrs. Sarah J. Smith was appointed Superintendent, and in every respect has been a most faithful and efficient officer. In September, 1873, the Institution was opened, and soon thereafter the female prisoners, eighteen in number, were removed to it from the State Prison, South. There are now thirty in the penal department, and ninety-three girls in the reformatory. For a detailed statement of the expenditures in completing the building and maintaining the inmates, I refer you to the reports of 1873 and 1874. Some additional improvements must be made. The Institution should be so inclosed as to allow the prisoners out-door exercise and prevent escapes. I recommend that the law regulating admission to the reformatory department be so amended as to admit girls within the age of sixteen years.

Experience has shown the wisdom of providing a separate prison for female convicts. The probability of reformation is greatly increased. The building in its present condition is not safe from fire. It has been on fire on two occasions. Upon one occasion it was probably the work of a prisoner. I recommend that the Board of Managers be authorized to make such improvements as will make it more secure.

The Institution lost a devoted and valuable officer by the resignation of S. A. Fletcher, jr., Esq., the President of the Board of Managers. I appointed J. H. Kappes, Esq., to fill the vacancy.

## THE HOUSE OF REFUGE.

The House of Refuge, at Plainfield, Hendricks county, was established pursuant to a requirement of the State constitution. It is upon a tract of land of two hundred and twenty-five acres. There are now two hundred and sixty-five inmates. The expenditures of the last year amounted to \$57,002.58, of which \$15,582.35 was for improvements and buildings, leaving \$41,420.23 the expense of the institution. Of the entire expenditures \$14,075.71 was received from the counties. Two large buildings have been erected during the year, one for a shop, and the other for a family house. The family house will provide for fifty boys. The entire improvements

made during the year are of the estimated value of more than twenty-five thousand dollars. Ten thousand dollars of that value was for the labor of the boys. They made the brick and did all the other work not requiring skilled labor. The inmates of the Institution are vicious boys and juvenile offenders, and their reformation is its object and purpose. The reports show the reformation of sixty per cent., and the improvement of others. As far as possible they are brought under the influence of moral sentiments. They are taught in the schools, and are required to do useful labor. These are the reforming influences. Out-door and farm labor is found to be the most useful. In his report the Superintendent says, "give the boys plenty of out-door work, and the labor of their reformation is infinitely lightened." I concur in his recommendation that additional farm lands be purchased. It is necessary to give employment to the boys, and to provide supplies for the institution. I ask your attention to the reports of the Board and the Superintendent.

#### THE STATE HOUSE AND LIBRARY.

For the management of the State Library and the care taken of the State House and adjoining grounds I refer you to the carefully prepared and very full report of the State Librarian. The Library has been put in excellent order, many missing volumes restored, lost volumes supplied and useful additions made, and the rooms have been refitted and made inviting to visitors. Repairs and improvements have been made in the State House which had become almost indispensable to its occupancy. They were made with the approval of myself and the State officers, and executed with cultivated taste and rigid economy.

#### A NEW STATE HOUSE.

On the 10th day of March, 1873, a concurrent resolution was adopted by the General Assembly, declaring that a necessity existed for the building of a new State Capitol, and awarding the sum of two thousand dollars as a premium for the best plans, specifications and estimates for the same. By the resolution it was also provided that a joint committee representing the two houses be appointed, whose duty it should be to receive the plans, specifications and estimates. That committee has given careful attention to the matter so referred. In their printed regulations they required the plans

to be for a structure to cost not exceeding two million dollars. They have received many plans and specifications, with detailed estimates, and have with great diligence examined and compared their respective merits. They will, no doubt, make to you a full report of their proceedings, with their recommendations.

The work thus inaugurated by the last Legislature comes before you for consideration and action. It can hardly be questioned that a new State House should be built. This house is neither suitable nor safe for the transaction of the public business. It does not correspond with the greatness of the State. It is not creditable. No other State in the northwest has such a house. These halls are not fit for your sessions. Your constituents when they visit the city can neither see nor hear your proceedings. They are much better provided for in your court houses. You have no suitable committee-rooms. You are dependent upon rented rooms over the city. You are thereby hindered in that personal consultation among yourselves which is so important in legislation. The people do not desire this. But they will expect you to avoid that prevalent fault in public buildings of extravagant ornaments. The building should be plain, tasteful, substantial and permanent, adapted to its purposes, and sufficient for the growing demands of the public service. Several years will be required in its construction, and a small special tax, annually, will be sufficient.

#### THE STATE BOARD OF AGRICULTURE.

A full account of the proceedings of the State Board of Agriculture, and a statement of its financial affairs during the years 1873 and 1874, will be found in the reports of those years. The most important movement of the Board during that period has been the erection upon the State Fair grounds of a beautiful and spacious structure for a State Exposition. To induce the Board to enter upon that work, four hundred and twenty of the business men of the city of Indianapolis gave their guaranty in the sum of one hundred thousand dollars against loss. The guarantors have paid a large sum upon the cost of construction. The Exposition has added greatly to the importance and attractiveness of the State Fair. Together they constitute an attractive and useful institution, dedicated to the exhibition, promotion, and improvement of the agricultural, mechanical, mineral, and productive industries of the State. The management, however skillful and impartial, of such an institution

must necessarily encounter dissatisfaction and criticism. The members of this Board and its officers have not escaped. In inaugurating and executing so important a work as the union of an Exposition with the Fair, it could not be otherwise. But the reports and my own observation justify me in saying that during these two years they have been faithful, and in a high degree successful.

The department of geology and natural science, established by the act of March 5, 1869, was placed in connection with and under the control of the State Board of Agriculture. Under the active and efficient management of Professor Cox, the State Geologist, that department has greatly promoted the interests of the people of this State. The surveys have developed valuable minerals in large quantities. That you may fully appreciate the extent and importance of the work which has been accomplished, I call your attention to the annual reports. I recommend that you continue the necessary appropriations, and that you place the service upon a more permanent basis.

#### THE VIENNA EXPOSITION.

By the act of March 4, 1873, provision was made for the proper representation of this State and of her interests at the Vienna Exposition. By direction of that act, I commissioned the State Geologist as commissioner of this State. He has made a detailed report to me of his proceedings and of his expenditures, which I communicate herewith. There remains an unexpended balance of the appropriation of \$682.42, which has been returned to the treasury.

#### HORTICULTURAL SOCIETY.

The financial reports of the Indiana Horticultural Society show that its receipts for the year 1874 were \$1,125.21, of which \$1,000 was by appropriation from the State treasury, and that its expenditures amounted to \$521.81, leaving in its treasury \$603.40. I have received no further report of its proceedings since that of the January meeting, 1874. I understand the society is growing in strength and interest.

#### BATTLE GROUND ENCLOSURE.

As required by the act of December 18, 1872, the Governor,

Secretary of State, Auditor of State and Treasurer of State caused a beautiful and permanent iron fence to be built around the Tippecanoe Battle Ground. I recommend the enactment of a law in accordance with the requirement of the constitution for the protection and preservation of the grounds and improvements with penalties for trespassing. At the request of the State officers and myself, the commissioners of Tippecanoe county have assumed the charge and care thereof, and will provide for any expenditure necessary to keep the same in repair.

The entire cost of the fence was \$17,854.17, leaving of the appropriation unexpended \$6,245.83. I suggest the propriety of using that unexpended balance in the construction of a suitable monument to the officers and soldiers who fell upon that field. If invited to do so, I suppose Ohio and Kentucky would join this State in the construction of the monument, thus making it, what it should be, the work of the three States in honor of their soldiers who fought and fell together.

#### THE PUBLIC PRINTING.

The legislative printing has been done under the supervision of the Secretary of State, in accordance with the joint resolutions of January 28 and 31, 1873.

I have caused the executive documents to be printed under contracts at prices fixed by competing bids. The rates have been as low as could be obtained, and as low as the work could be done without actual loss. The Auditor's reports show the amounts paid.

#### PRESERVING THE PEACE.

Upon two occasions I have been called upon to furnish arms and ammunition to Sheriffs to prevent threatened public disturbance; and upon three occasions I have called out the militia to support the civil officers in maintaining the peace, and enforcing the law. The expenses attending these proceedings amounted to four thousand two hundred and ninety-nine dollars and forty-five cents. One of these occasions was in the enforcement of legal process in a controversy between two railroad companies. As the military force was required to enable the Sheriff to execute a civil process when hindered by a large body of men, I thought it proper that the



expenses should be borne by the plaintiff, and I so required. The sum was promptly paid by the company, amounting to \$2,495.00. With the concurrence and approval of the State officers I directed the payment of the residue of the \$4,299.45 to be made out of the civil contingent fund under my control. It was not clear to the State officers, nor to myself, that such a use of the appropriation was contemplated by the Legislature, but the duty to "take care that the laws be faithfully executed," and to preserve the public peace, was so clearly imposed by the constitution that we could not hesitate. The public safety, and the supremacy of the law, should not be dependent upon any uncertain construction of an act of appropriation. I recommend that you appropriate a sum sufficient to meet such exigencies, and that the same be under the control of the Governor.

I ask your attention to the reports of the Adjutant General and Quarter Master General. The militia is almost entirely unorganized. There are but a few companies in the State in a condition to respond to any call that may be made upon them. I ask your consideration of the propriety of so amending the law to organize the militia as to make it more efficient; and to the propriety of the State giving some aid in properly equipping some companies.

The State is sufficiently supplied with arms. In addition to the former supply, I have made requisitions upon the United States Ordnance Office for, and received, five hundred breech-loading Springfield rifles, one hundred and fifty Spencer rifles and six Gatling guns, and suitable ammunition. The greater part of the arms are stored in the United States Arsenal, near the city of Indianapolis.

#### THE CENTENNIAL.

On the 3d day of March, 1871, an act of Congress was adopted, declaring that "it behooves the people of the United States to celebrate, by appropriate ceremonies, the Centennial Anniversary," of the signing and promulgation of the Declaration of the Independence of the United States; and that it is appropriate to commemorate the completion of the first century of our national existence by an exhibition of the natural resources of the country, and of our progress in those arts which benefit mankind, in comparison with older nations; and declaring, also, that "the exhibition should be a national celebration in which the people of the whole country should participate," and that "it should have the sanction of the Congress

of the United States." In accordance with that declaration the act of Congress provided: "That an exhibition of American and foreign arts, products, and manufactures, shall be held, under the auspices of the government of the United States, in the city of Philadelphia, in the year eighteen hundred and seventy-six." Provision was also made for a commission to execute the will of Congress so declared. The organization has been completed, and the State of Pennsylvania, and the city of Philadelphia, have appropriated large sums of money to aid the enterprise. The work of preparation has been commenced and is rapidly advancing. The designs contemplate an exhibition suitable for the great occasion.

The act of Congress has committed our country and the people to the celebration. A failure would cause us national humiliation. Success will gratify our national pride, and at the same time promote our prosperity by attracting the people and wealth of other countries. I recommend that you make such provision as will secure to the people of Indiana, and their interests, a full and advantageous representation.

#### TEMPERANCE.

The act of February 27, 1873, regulating the sale of intoxicating liquors has not accomplished the good that was expected by its advocates. It has not been sufficiently in accord with public opinion to be efficient or useful. It has been the cause of irritation without remedying the evils it was intended to suppress. The duty rests upon you to revise and reform that legislation. In the discharge of that duty, you will assume that there are evils to society and to individuals connected with the traffic in intoxicating liquors which it is the province of law to restrain and prevent. Sales should not be made to boys; and drunkenness should be punished as well as selling to the intoxicated; and the minor who misrepresents or conceals his age to obtain liquor, should be punished as well as the person who knowingly sells to him. Sales should be forbidden when the public peace or safety requires it. Like other pursuits, it should be suspended after a reasonable hour in the night, so as to avoid the disturbances incident to the traffic at that time. It should be made unlawful to buy whenever it is made unlawful to sell, and the punishment should be inflicted upon the purchaser as well as the seller.

I recommend that a reasonable tax, or license fee, be imposed It

should be higher than heretofore and subject to forfeiture of the license for disregard of the law. That policy will bring a large revenue into the school fund, if so directed, and at the same time identify the interests of the party selling with that of society, in preserving order and good conduct at his place of business.

I suggest, for your consideration, whether it is not practicable to make a difference of regulation in respect to the sale of vinous and malt liquors and the stronger and more intoxicating drinks. There is a great difference in the evils that result from their use.

#### FEES AND SALARIES.

The effort at reform in the civil service of the State should not stop until the compensation of every officer shall be so accurately defined as to exclude all constructive fees and charges, and until it shall be so adjusted as to produce greater equality and in many cases a large reduction. As far as practicable fixed salaries should be established and all other compensation prohibited. The compensation should be sufficient to command for the public efficient and reliable service, but no greater. The act regulating fees, etc., of March 8, 1873, is perhaps an improvement upon the old law, but it leaves much yet to be done. This subject should receive your attention.

#### APPORTIONMENT.

The Constitution requires that the number of senators and representatives shall be apportioned among the several counties according to the number of white male inhabitants above twenty-one years of age in each. The apportionment made by the act of December 27, 1872, is not in accordance with that requirement. The inequality among many counties is obvious and gross. Laws fixing representation should not be frequently changed, nor upon unimportant considerations. Stability is a quality important to their value. But no reason for amending the law could be stronger than that found in the fact of its gross inequality. The question is not free from doubt in my mind whether the apportionment can be changed prior to the next enumeration under the constitution. But should you be satisfied that the law may be amended, then the reasons in its favor are conclusive. In making the amendment of the law, no consideration whatever should be regarded but the constitutional requirement of equality and justice.

## RAILROAD FREIGHTS.

Complaints are made that the railroad companies discriminate against way freight both by exorbitant charges and by inadequate provision for shipment. Many of the roads of this State constitute parts of through lines from the west to the east, and any discrimination against the way business in the manner complained of would occasion heavy loss to the people. I suppose there is some inconvenience and delay in transacting way business that must be compensated, but it should not be made the pretext to take advantage of the absence of competition, and to make the charges unreasonable. I recommend that you inquire into the causes of the complaints and that you provide a remedy that will be safe to the people and just to the railroads. The independent freight lines that are interposed between the stockholders and the people, to the hurt of both, should be brought more directly under the control of our laws both for the purpose of regulation and taxation.

## THE SWAMP LAND RECORDS.

By virtue of the joint resolution of 1865, I appointed O. M. Eddy, Esq., Swamp Land Clerk, and assigned him to the duty of revising and correcting the files and records relating to the swamp lands of the State. They were in a very defective condition. With care and diligence he applied himself to the work and his report shows satisfactory progress towards its completion. The records and files relating to so large a quantity of land are important, and should be accurate and reliable. So far as the revision has been completed, I think they will be found reliable.

## THE EXECUTIVE RECORD.

I have caused a full record to be kept of all the transactions of my office. I found no complete record of the correspondence of my predecessors, and but defective records of other official acts. It has often been difficult, and sometimes impossible, for me to ascertain their opinions and decisions upon questions again presented.

## APPRAISEMENT OF REAL ESTATE.

I concur in the recommendation of the Auditor of State that the

revenue law of December, 1872, be so amended as to provide for the appraisement of the real estate every fifth year instead of every second year.

#### LOCAL TAXATION.

I call your special attention to the suggestions of the Auditor of State in relation to the necessity of a limit to be imposed upon the power of taxation by counties and townships, and by cities, in special cases.

I also submit for your consideration whether the difficulties and probable losses in the collection of the taxes, occasioned by the postponement of the collection of one-half thereof for six months, is compensated by any adequate advantage to the people. Experience shows that the provision which allows the postponement occasions both inconvenience and loss.

#### THE EXECUTIVE CLEMENCY.

As required by the Constitution, I herewith report all cases of reprieve, commutation, and pardon which I have granted, and all cases of fines and forfeitures which I have remitted, with a statement of the several amounts, and the names of persons relieved, and the facts and considerations which have governed me in each case.

#### SPECIAL MESSAGES.

At an early period of your session, I will make a communication to you in relation to the lands known as the bed of Beaver Lake; and also in relation to the condition of the Wabash and Erie canal, and the legal proceedings touching the same, pending in the Circuit Court of the United States.

#### STATE OFFICERS.

It gives me pleasure to say that the State officers with whom I have been associated in the execution of the laws have been faithful, intelligent and efficient in the discharge of their official duties. In regard to every public matter requiring our concurrent action, I

have given them my entire confidence. For them I entertain sentiments of personal respect and esteem.

It is my painful duty to inform you of the death of the Hon. Milton B. Hopkins, Superintendent of Public Instruction, which occurred on the 16th day of August last. He was a faithful and able public officer, and in his death the cause of education in the State has sustained a great loss. I appointed his son, Alexander C. Hopkins, his successor for the residue of the official term.

I trust that your proceedings will be harmonious and result in the promotion of the interests of the State and people.

I had intended to restrict this communication to subjects that are of special interest to the State of Indiana, and had written all I intended to say when it became known to the country that free representative government had been broken down in the State of Louisiana by military violence. It is a fundamental right and essential to free institutions that a legislative body shall be the judge of the qualifications, elections and returns of its own members. It is declared in our constitution and in the constitution of the United States and in the constitution of Louisiana. It is exclusive and no power, not even the judiciary, can interfere with, or question, it. It is a prerogative of the State, because, without it no free State can exist. Without any pretext of domestic violence, that right has been taken away from the popular branch of the legislature of Louisiana and members recognized by the body have been driven from the hall by armed soldiers under the command of United States military officers, and others, not recognized by the body as members, have been seated as such.

The cause of the House of Representatives of Louisiana, and of its constituency is your cause and will be the cause of the people you represent, so long as constitutional and independent legislation shall be cherished by them as a right. Shall the privilege of the people to make their own State laws by their chosen representatives rest upon right, or only upon permission? The voice of the people should be so expressed as to restore the right. I ask you to protest against and denounce the usurpation as a crime to be detested, and not a precedent to be respected.

THOMAS A. HENDRICKS,

Governor of Indiana.

EXECUTIVE DEPARTMENT, January 7, 1875.

The President announced that inasmuch as the purposes for which this meeting was called had been fully accomplished, that he would proclaim the joint session adjourned without day, and the Senate retired.

Whereupon the Speaker resumed his seat and called the House to order, when, on motion of Mr. Davis, the House adjourned until 2 o'clock p. m.

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AFTERNOON SESSION.

The House met pursuant to adjournment, with the Speaker in the chair.

The Speaker announced the first thing in order was the consideration of the Governor's Message.

Whereupon, on motion of Mr. Darnall, the House went into Committee of the Whole, with Mr. Marvin of Boone, in the chair, to consider the Governor's Message.

On motion of Mr. Waterman, the Committee of the Whole arose, and Mr. Speaker resumed his chair, when Mr. Marvin, as Chairman of the Committee of the Whole, presented the following report, to-wit:

MR. SPEAKER :

The Committee of the Whole House, to consider the Governor's Message, report that they have taken the following action thereon :

That portion referring to education—Referred to the Committee on Education.

That portion referring to Federal affairs—Referred to Committee on Federal Relations.

That portion referring to finance and taxation—Referred to Committee on Ways and Means.

That part referring to judicial affairs—Referred to Committee on Organization of Courts.

That part referring to domestic affairs—Referred to Committee on Rights and Privileges of Inhabitants of the State.

State Prisons Affairs—Referred to the Committee on State Prisons.

Temperance—Referred to the Committee on Temperance.

Agriculture and horticulture—Referred to the Committee on Agriculture.

Reformatory institutions—Referred to Committee on Reformatory Institutions.

Swamp lands—Referred to the Committee on Swamp Lands.

County and township business—Referred to the Committee on County and Township Business.

Printing—Referred to the Committee on Printing.

Canals—Referred to Committee on Canals.

Benevolent institutions—Referred to Committee on Benevolent Institutions.

Fees and salaries—Referred to the Committee on Fees and Salaries.

Railroads—Referred to the Committee on Railroads.

Legislative expenses—Referred to Committee on Fees and Salaries.

Purdue University—Referred to Committee on Agriculture.

Military affairs—Referred to Committee on Military Affairs.

That part of the message treating of Centennial—Referred to Committee on Rights and Privileges of Inhabitants of the State.

And your committee await further instructions.

Which report, on motion of Mr. Darnall, was adopted.

And on motion of Mr. Davis, said committee was discharged.



The following message was received from the Governor:

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, January 7, 1875.

HON. DAVID TURPIE,

*Speaker of the House of Representatives:*

SIR:—Samuel R. Downey, my Private Secretary, will act as Executive Messenger in the delivery of communications to the House of Representatives.

THOMAS A. HENDRICKS,

Governor.

Which was received.

Mr. Caldwell offered the following resolution :

*Resolved*, That five thousand copies of the Governor's Message, just read to the General Assembly, be printed, and that each member of the House of Representatives be furnished with ten copies each, and that fifteen hundred copies of that number be printed in German.

Mr. Gossman moved to amend by making the number five thousand in English and two thousand five hundred in German.

Mr. Wynn of Jennings moved to amend the amendment by making the number two thousand in English and one thousand in German.

Which amendment to the amendment was, on motion of Mr. Burson, laid on the table.

Whereupon Mr. Gossman withdrew his amendment and the question recurring on the resolution as originally introduced.

The same was adopted.

On motion of Mr. Wynn, the Speaker proceeded to call the counties for the introduction of resolutions, bills, etc. Whereupon,

Mr. Shaffer introduced

House Bill No. 29. To authorize County Commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal all laws heretofore enacted for the construction of gravel roads.

Which was read a first time.

Mr. Kennedy of Montgomery, introduced

House Bill No. 30. An act providing for the commencement and prosecution of criminal action by information, and declaring an emergency.

Mr. Pate introduced

House Bill No. 31. An act creating the Thirty-Ninth Judicial Circuit of the State of Indiana fixing the time of holding courts therein, and providing for the appointment of a Judge thereof.

Mr. Walz introduced

House Bill No. 32. An act to amend an act entitled "An act providing for the election of and qualification of Justices of the Peace and defining their powers and duties," approved June 9, 1852.

Mr. Walz introduced

House Bill No. 33. An act to amend an act entitled "An act to provide for a general system of Common Schools," approved March 6, 1865.

Mr. Burson introduced

House Bill No. 34. An act defining certain misdemeanors and prescribing punishment therefor.

Mr. Henderson introduced

House Bill No. 35. A bill defining who shall be entitled to practice Medicine and Surgery.

Mr. Taylor introduced

House Bill No. 36. An act creating the 40th Judicial Circuit fixing the time of holding Court.

Mr. Collins introduced

House Bill No. 37. An act to regulate and license the sale of intoxicating liquors, declaring what is intoxicating, prescribing penalties, and repealing all laws in conflict, and declaring an emergency.

Mr. Martin introduced

House Bill No. 38. An act to raise revenue for State purposes for the years 1875 and 1876, and declaring an emergency.

Mr. Favorite introduced

House Bill No. 39. An act to amend Section 1 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in criminal actions in the courts of this State," as amended by an act approved March 10, 1873.

Which was read a first time.

Mr. Heller offered the following resolution :

*Resolved*, That the Doorkeeper be directed to procure committee rooms that are already furnished, that the usual expense for furniture may be avoided.

Which was adopted.

Mr. McMichael offered the following resolution :

*Resolved*, That the thanks of the House be and they are hereby tendered to Elder Black for his services this morning in opening the joint Assembly meeting with prayer.

Which was adopted.

Mr. Taylor of Daviess, introduced

House Bill No. 40. An act regluting criminal prosecutions before Justices of the Peace.

Which was read a first time.

Mr. Caldwell introduced

House Bill No. 41. An act to provide for the trial of causes in which the Judge of the court in which such causes are pending, is interested in any way, or in which a change of venue has been or is taken from the Judge because of his bias or prejudice.

Which was read a first time.

Mr. Williams introduced

House bill No. 42. A bill to amend the law in regard to printing delinquent tax lists.

Which was read a first time.

Mr. Waterman introduced

House Bill No. 43. An act requiring Township Trustees to discharge the duties of Assessors; abolishing the office of County Assessor; requiring Trustees to discharge other duties while assessing property; prescribing certain duties of County Auditors, and the time of appraising the real estate, and constituting Township Trustees members of boards of equalization, and fixing time of taking effect of this act.

Mr. Burson moved to adjourn until 9 o'clock, a. m. to-morrow.

Which did not prevail.

Mr. Heller moved that the House do now adjourn until Monday, January 11th, 1875.

Which motion did not prevail.

Mr. Shaffer moved to reconsider the vote taken on the motion of the gentleman from Allen.

Which motion prevailed.

Whereupon, on motion, the House adjourned until Monday, January 11th, 1875, at 9 o'clock a. m.

DAVID TURPIE,  
Speaker.

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## MONDAY AFTERNOON.

JANUARY 11, 1875, 2 O'CLOCK.

The House met pursuant to adjournment.

The Speaker in the chair.

The Journal of Friday was read in part, when, on motion by Mr. Clark, the further reading of the same was dispensed with.

The Speaker announced the following message from the Governor :

STATE OF INDIANA,  
EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, January 11, 1875.

HON. DAVID TURPIE,

*Speaker of the House of Representatives:*

SIR :—Governor and Mrs. Hendricks will be happy to see the members and officers of the House of Representatives with their families at eight o'clock this evening, at their residence, 407 North Tennessee street.

Very respectfully yours,

SAMUEL R. DOWNEY,  
Private Secretary.

The Speaker announced the following communication from the Board of Trade of Indianapolis:

OFFICE BOARD OF TRADE,  
INDIANAPOLIS, January 8, 1875.

*To the Speaker of the House of Representatives of Indiana:*

DEAR SIR:—By a unanimous vote the officers and members of the House of Representatives were this day made honorary members of the Indianapolis Board of Trade for the year ending September, 1875. Tickets will be presented as soon as practicable.

Very respectfully,

THOMAS. D. KINGAN,

President.

J. BARNARD, Secretary.

The Speaker announced to the House the following appointments, viz:

John L. F. Steeg to be Assistant Post Master.

George B. Reaume to be Speaker's Page.

Lewis Koster to be Floor Page.

The Speaker then announced to the House the following Standing Committees and Joint Committees of this House:

*On Election.*

Messrs. Willett, Arnold, Gossman, Horn, Harris of Wayne, Favorite, Lincoln.

*On Ways and Means.*

Messrs. Caldwell, Marvin of Boone, Pate, Roseberry, Darnall Fulk, Trusler.

*On Judiciary.*

Messrs. Davis, Martin of Wells, Burson, Havens, Forkner, Glasgow, Kennedy of Montgomery.

*Organization of Courts of Justice.*

Messrs. Burson, Martin of Wells, Collins, Heller, Glasgow, Forkner, Shortridge.

*On Banks.*

Messrs. Gilbert, Reno, Snyder, Walz, Ames, Anderson, Bearss.

*On Education.*

Messrs. Havens, Bearss, Hopkins, Walz, Shaffer, Ratliff, Glasgow.

*On Affairs of the State Prison.*

Messrs. Heller, Bellows, Leeper, Davis, Evans, Shaffer, Glasgow.

*On Swamp Lands.*

Messrs. Burson, McMichael, Brown of Jasper, Emerson, Marvin of Fountain, Haynes, Heighway.

*On Military Affairs.*

Messrs. Kennedy of Marion, Cantley, Harris of Madison, Johnson of Carroll, Charters, Clark, Crumpacker.

*On Claims.*

Messrs. Keightly, Barney, Davisson, Bellows, Dale, Harper, Miller of Vanderburg.

*On Trust Funds.*

Messrs. Brown of Rush, Crane, Edwards, Gilbert, Jackson, Kennedy of Morgan, Lanham.

*On Fees and Salaries.*

Messrs. Davisson, Bellows. Ramsey, Megenity, Pfafflin, Miller of Parke, Shugart.

*On Sinking Fund.*

Messrs. Ramsey, Martin of Franklin, Williams of Brown, Montgomery, Morgan, McFadden, Ratliff.

*On Rights and Privileges of the Inhabitants of the State.*

Messrs. Thompson of Marion, McCord, Nash, Osborn, Woody, Wynn, Thomas.

*On Railroads.*

Messrs. Crane, Patterson, Pyeatt, Henderson, Bearss, Taylor of Tipton, Thompson of Henry.

*On Manufactures and Commerce.*

Messrs. Pate, Taylor of Daviess, Washburn, Waterman, Williams of Lawrence, Twibill, Ribble.

*On County and Township Business.*

Messrs. Williams of Brown, Davisson, Ramsey, Roseberry, Reeder, Miller of Vanderburg, Lanham.

*On Agriculture.*

Messrs. Gilbert, Law, Reno, Gossman, Ragan, Thompson of Henry, Woody.

*On Benevolent and Scientific Institutions.*

Messrs. Marvin of Boone, Hopkins, Heller, Caldwell, Trusler, Anderson, Taylor of Tipton.

*On Temperance.*

Messrs. Bence, Crane, Johnston of Dearborn, Johnson of Carroll, Anderson, Fulk, Williams of Lawrence.



*On Mileage and Accounts.*

Messrs. Reno, Law, Shaw, Smith, Williams of Lawrence, Favorite, Clark.

*On Corporations.*

Messrs. Martin of Wells, Davis, Collins, Henderson, Kennedy of Morgan, Trusler, Reeder.

*On Canals.*

Messrs. Bence, Nash, Cantley, Marvin of Fountain, Shaffer, Shortridge, Dale.

*On Public Expenditures.*

Messrs. Taylor of Daviess, Romine, Arnold, Brown of Rush, Wynn, Jackson, Lincoln.

*On Federal Relations.*

Messrs. Osborn, Havens, Edwards, Pyeatt, Miller of Vanderburg, Wynn, Twibill.

*On Affairs of the City of Indianapolis.*

Messrs. Patterson, McCord, Kennedy of Marion, Nash, Ragan, Morgan, Kennedy of Morgan.

*On Cities and Towns.*

Messrs. Keightley, Barney, Reddick, Evans, McFadden, Ratliff, Thomas.

*On Engrossed Bills.*

Messrs. McMichael, Taylor of Daviess, Reddick, Williams of Brown, Ribble, Williams of Lawrence, Lanham.

*On Roads.*

Kennedy of Montgomery, Nash, Harris of Madison, Haynes, Heighway, Crumpacker, Fulk.

*On Statistics and Immigration.*

Messrs. Walz, Horn, Marvin of Fountain, Montgomery, Pfafflin, Ragan, Miller of Parke.

*On Insurance Companies.*

Messrs. Collins, Havens, Johnston of Dearborn, Willett, Darnall, Harper, Brown of Jasper.

*On Printing.*

Messrs. Leeper, Johnston of Dearborn, Waterman, Martin of Franklin, Ames, Bearss, Charters.

*On Claims.*

Messrs. Keightly, Barney, Davisson, Bellows, Dale, Harper, Miller of Vanderburgh.

*On Reformatory Institutions.*

Messrs. Waterman, Gossman, Osborn, Snyder, Emerson, Harris of Wayne, Shugart.

*On Drains and Dykes.*

Messrs. Megenity, Burson, Roseberry, Miller of Parke, Brown of Jasper, Smith, Lincoln.

*Joint Committee on Public Library.*

Messrs. Johnson of Carroll, Thompson of Marion, Shortridge.

*Joint Committee on Public Buildings.*

Messrs. Hopkins of Marion, Gilbert, Morgan.

*Joint Committee on Canal Fund.*

Messrs. Waterman, Shaw, Forkner.

*Joint Committee on Enrolled Bills.*

Messrs. Megenity, Davisson, Reno, Edwards, Favorite, Thompson of Henry.

Mr. Reno offered the following resolution :

*Resolved*, That the Judiciary and Temperance Committees of this House are hereby ordered to act jointly in drafting a bill to regulate the sale of intoxicating liquors, in accordance with the principles enunciated in the Democratic State Platform, adopted in July, 1874, at the city of Indianapolis, and the recommendation of Governor Hendricks on that subject in his message to the General Assembly now in session, and that they are hereby required to submit the result of their labors on that subject to this House at as early a period in session as possible.

Mr. Davis moved to amend by referring the same to the committee on Temperance only.

Which amendment was agreed to, and the question coming up on the adoption of the resolution.

Mr. Kennedy of Montgomery, called for the ayes and nays on the adoption thereof.

The ayes and nays were called—Ayes, 52 ; nays, 43.

*Those who voted in favor of the resolution were,*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davisson, Davis, Edwards, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller,

Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, McMichael, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—52

*Those who voted against the resolution were,*

Messrs. Ames, Anderson, Brown of Jasper, Charters, Clark, Bearss, Crumpacker, Dale, Darnall, Davisson, Emerson, Evans, Favorite, Forkner, Fulk, Glasgow, Harper, Harris of Wayne, Heighway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Miller of Parke, Miller of Vanderburg, Morgan, McFadden, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shortridge, Shugart, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—43.

So the resolution was adopted.

Mr. Havens moved to take up the Joint Resolution No. 1, relating to Louisiana Affairs, and that the same pass to its second reading. A division having been called for in the vote thereon the same was granted and the motion prevailed. Ayes—35. So the resolution passed to its second reading.

Mr. Woody moved to refer to the Committee on Federal Relations.

Which motion did not prevail.

The question recurring on the engrossment of the Resolution, it was ordered to be engrossed.

Mr. Darnall introduced

House Bill No. 44. An act authorizing county commissioners of the respective counties in this State to purchase all the books, stationery and all other articles necessary for the various county offices,

circuit and inferior courts in the State of Indiana, and punishing county commissioners for speculating on said purchase.

Which was passed to a second reading.

Mr. Martin introduced

House Bill No. 45. An act regulating the sale of intoxicating liquors.

Which was passed to a second reading.

Mr. McMichael offered the following resolution :

*Resolved*, That the Doorkeeper be instructed to make a requisition upon the Secretary of State to lay upon the desks of the members of this House such an amount of stationery as shall not exceed the supply now in the vault of said Secretary of State's office, and paid for by an appropriation of the General Assembly of the State of Indiana ; said stock of stationery to be equally apportioned to each and every member of this House.

Which was adopted.

Mr. Morgan introduced

Joint Resolution No. 2. Joint Resolution of the Senate and House of Representatives of the State of Indiana.

*Resolved*, That retrenchment, economy and reform in the fees and salaries and expenditures of the several officers of this State should be had and that the committee on fees and salaries be and they are hereby authorized and requested to prepare and report a bill fixing the per diem of members of the Legislature of the State of Indiana at five dollars and mileage at five dollars for each twenty-five miles (or at that rate,) traveled by the usually traveled route to the Capital of the State; and providing that members furnish themselves with stationery at their own cost and fixing the Governor's and all Judges, State, County and Township officer's pay or salary so as to be as near on an equality with the pay of members of the Legislature as may be, considering the amount and kind of labor performed.

Which was passed to a second reading.

H. J.—5

Mr. Pfafflin introduced

House Bill No. 46. An act authorizing the United States of America to acquire title to lands in the State of Indiana by condemnation, prescribing the manner in which such condemnation shall be made, and declaring an emergency.

Which was passed to a second reading.

Mr. Lanham offered the following resolution:

*Resolved*, That a committee of five be appointed by the Speaker, whose duty it shall be to invite the resident ministers of Indianapolis to be present when convenient, at the beginning of each days session of this House, and when called upon by the Speaker to open the deliberations of this body by a brief prayer.

Messrs. Wynn, Darnall and Pfafflin demanded the ayes and nays which resulted—ayes, 70; nays, 18.

So the resolution was adopted.

*Those who voted in favor of the resolution, were*

Messrs. Barney, Bearss, Bellows, Bence, Brown of Jasper, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crumpacker, Dale, Darnall, Davisson, Davis, Emerson, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Megenity, Miller of Parke, Morgan, McFadden, McMichael, Osborn, Ramsey, Ratliff, Reddick, Reeder, Reno, Ribble, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Taylor of Tipton, Thompson of Henry, Trusler, Twibill, Waterman, Williams of Brown, Williams of Lawrence, Woody and Wynn—70.

*Those who voted in the negative were,*

Messrs. Arnold, Brown of Rush, Havens, Marvin of Boone,

Marvin of Fountain, Miller of Vanderburgh, McCord, Patterson, Pyeatt, Pfafflin, Ragan, Romine, Thomas, Thompson of Marion, Walz, Washburn, Willett and Mr. Speaker—18.

The Speaker then announced the following committee on the above resolution, to-wit:

Messrs. Lanham, Williams of Brown, Johnson of Carroll, Fulk and Reno.

On motion the House adjourned till to-morrow morning at 9 o'clock.

DAVID TURPIE,  
Speaker.

## TUESDAY MORNING.

JANUARY 12, 1875, 9 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

The Journal of yesterday was read in part, when, on motion of Mr. Wynn, the further reading of the same was dispensed with.

Hon. Matthew A. Smith, Joint Representative from Delaware and Jay, being present, came forward and was duly sworn in as Representative from the counties of Delaware and Jay, by the Speaker.

Leave of absence was asked for and granted to Messrs. Keightly and Kennedy of Marion county, until to-morrow.

Mr. Lanham introduced

House Bill No. 47. Fixing the pay and mileage of the members

of the General Assembly and providing that they shall be compensated for their stationery.

Which was read a first time.

Mr. Harper asked for leave of absence for Mr. Glasgow for one week, on account of sickness.

Which was granted.

Mr. Heller introduced

House Bill No. 48. An act appropriating one hundred thousand dollars to defray the expenses of the regular session of 1875 of the General Assembly of the State of Indiana.

Which was read a first time.

Mr. Heller moved to suspend the rules, and that the bill be read a second time.

Which motion did not prevail, so the bill goes to its second reading.

Mr. Williams of Brown, offered the following resolution:

*Resolved*, That the Doorkeeper be instructed to procure one hundred copies of Gaven & Hord's Revised Statutes and Davis' Supplement of the State of Indiana, and lay one copy of each on the desk of each member of this House for his use during the present session, and that each member be required to return the same to the proper authority on the close of the present session of the General Assembly, and on his failure so to do the price of the same shall be deducted from his per diem.

Mr. Darnall offered the following substitute to the above resolution:

*Resolved*, That the Doorkeeper be instructed to call upon the Secretary of State to furnish one hundred copies of the Revised Statutes of the State of Indiana for the use of members of the House of Representatives; that they be placed in the State Library,



and that each member be entitled to obtain one copy by having it charged to him at the cost price; if he should return it in good order, before settlement for his per diem, he shall have credit in full; if he should not return it until after such settlement, then the amount charged to him shall be deducted from his per diem.

Which amendment was adopted.

The Speaker announced the receipt of the following memorial from the commissioners for the improvement of the Ohio river and its tributaries.

#### IMPROVEMENT OF THE OHIO RIVER AND ITS TRIBUTARIES.

*To the Honorable Senators and Representatives of the State of Indiana:*

The undersigned Commissioners appointed in behalf of the State of Indiana, in the Commission for the improvement of the Ohio river and its tributaries, respectfully submit the following facts for your consideration.

The ever increasing importance of improving the navigability of the Ohio river and its tributaries, has for a number of years received the earnest consideration of many of the leading public men of the Mississippi Valley. In February 1872, a convention of all persons interested in the improvement of the river, was called to meet in Covington, Ky., which brought together many prominent business men from all the States bordering on the river, from its source to its mouth. As a result of their deliberations a Commission was planned, to be composed of five Commissioners from each one of the States, viz: Pennsylvania, West Virginia, Ohio, Indiana, Kentucky, Illinois and Tennessee, to be appointed by the respective Governors of such States. In pursuance of the plan, the several Governors appointed commissioners. Governor Baker appointed the undersigned on the part of Indiana, and they have held the appointment up to the present time.

The Commissioners so appointed, subsequently met in Cincinnati, Ohio, and organized by electing ex-Gov. J. K. Moorehead of Pennsylvania, President, and proceeded at once to carry forward the

objects for which they were chosen, viz: To devise plans to secure the favorable action of Congress in the important matter of improving the Ohio river and its principal tributaries, with the view of cheapening transportation. In furtherance of this purpose, measures were taken to ascertain, as nearly as possible, the best methods of effecting so desirable an object, and the prominent facts concerning the vast demands of the trade and commerce in the district of country bordering on these rivers, and to present them before Congress to show the importance of the proposed improvement of these great arteries of traffic and travel, and the necessity for making adequate appropriations to render their navigation commensurate with the demands for transportation through their several channels.

The Commissioners have held meetings every few months, to further these aims. They have memorialized Congress twice; they have held meetings in Washington City, and appeared before the Congressional committees having charge of such affairs, and laid before them a vast array of facts bearing upon the proposed improvement. They have secured some favorable action on the part of Congress, yet much remains to be done.

The Ohio river, it will be seen, forms the southern boundary of the State of Indiana, and furnishes an outlet or means for moving a very large proportion of the productions of the southern half of the State, amounting, it is estimated, annually to forty or fifty millions of dollars, to say nothing of the increasing traffic. This is sufficient to show the great value of the river to the people of that section of the State, as a means of transportation for their productions.

These facts are submitted to inform you of the labors imposed on and expected from the Commissioners, and to enable you to judge of the importance of continuing their existence. The State of Indiana is equally interested with the other six States in the proposed improvement, and her co-operation with them in the movement may be regarded as due to them on the ground of comity, aside from the public benefits to accrue from it.

The undersigned Commissioners have hitherto borne their own expenses in attending meetings of the Commission, besides contributing, per capita, to pay the general expenses for printing, stationery, etc. In all the other States interested, appropriations have been made to defray the actual expenses incurred by their respectiv

Commissioners, and justice to us would seem to require that a limited appropriation be made by you to reimburse us for such necessary expenses as may have been, or may hereafter be incurred in the discharge of our respective duties.

Respectfully submitted,

O. P. COBB, of Aurora.

CHARLES H. MEEKER, of New Albany.

CHARLES H. MASON, of Cannelton.

J. A. LEMCKE, of Evansville.

LAZ. NOBLE, of Vincennes.

Commissioners.

Mr. Williams of Brown introduced

House Bill No. 49. An act to amend section 1, also to repeal sections 2 and 3, revenue act of 1872, as amended March 8, 1873, making taxes payable in one installment only.

Which was read a first time.

Mr. Williams of Brown introduced

House Bill No. 50. An act to provide for a uniform and equal rate of freight upon railroads, and prescribing penalties for violations thereof.

Which was read a first time.

Mr. Johnson of Carroll, offered the following resolution :

*Resolved*, That the Postmaster of the House be requested to confer with the publishers of the Daily Sentinel and Journal of Indianapolis, and find out at what rate they will furnish their papers per copy, and also the same folded in wrappers and stamped, to the several members of the House, to be delivered in the House chambers.

Which resolution was indefinitely postponed.

Mr. Cantley, introduced

House Bill No. 51. An act to abolish the grand jury system.

Which was read a first time.

Mr. Bence offered the following resolution:

*Resolved*, That a committee of three be appointed to revise the rules and orders for the government of the House; to report at as early a day as possible.

Which resolution was indefinitely postponed.

Mr. Bence offered the following resolution:

*Resolved*, That the Committee on Benevolent and Scientific Institutions be instructed to prepare a bill that will provide for the selling of eighty acres of the Insane Hospital lands, and applying the proceeds to the erection of an asylum for the incurable insane of the State.

Which was read a first time and referred to the Committee on Benevolent Institutions.

Mr. Bellows offered the following resolution:

*Be it resolved*, That all petitions presented and bills introduced in this House, in reference to fees and salaries, be referred to the Committee on Fees and Salaries.

Which was adopted.

Mr. Caldwell introduced

House Bill No. 52. An act to amend section one of an act entitled, "An act to amend sections fifteen and sixteen of an act entitled, 'An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties,' approved June 11, 1852, and providing for the election of the town marshall by the town trustees, and declaring an emergency," approved March 16, 1873, and to repeal section three of said act, and declaring an emergency.

Which was read a first time.

Mr. Barney introduced

House Bill No. 53. A bill relating to the contracts of married women, and declaring such contracts binding in certain cases.

Which was read a first time.

Mr. Barney introduced

House Bill No. 54. A bill to amend section 315 of an act entitled, "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State."

Which was read a first time.

Mr. Barney introduced

House Bill No. 55. A bill to amend sections 22 and 57 of an act entitled "An act for the incorporation of towns, defining their powers, providing for election of officers thereof, and declaring their duties," approved June 11, 1852.

Which was read a first time.

Mr. Waterman introduced

House Bill No. 56. An act defining the powers of school meetings in certain cases and defining the duties of township trustees in employing teachers in certain cases.

Which was read a first time.

Mr. Waterman introduced

House Bill No. 57. A bill limiting the powers of township trustees in certain cases by providing for advisors in such cases, prescribing penalties for failing to comply with the provisions of this act, authorizing citizens to petition trustees in certain cases, and declaring an emergency.

Which was read a first time.

Mr. Davis offered the following resolution :

*Resolved*, That the Committee on Ways and Means be instructed to inquire into the expediency of providing by law for the exemption from seizure and sale for taxes three hundred dollars worth of property to the head of each family or householder, the same as now exempt from seizure and sale on execution against debtors, and that said committee give this matter an early consideration and report by bill or otherwise.

Which was adopted.

Mr. Trusler offered the following resolution :

*Resolved*, That all bills in relation to the subject of temperance be referred to the Committee on Temperance.

Which was adopted.

Mr. Bellows introduced

House Bill No. 58. An act to authorize Justices of the Peace and Mayors of cities, to issue process and compel the attendance of witnesses in certain cases.

Which bill passes to its second reading.

Mr. Clark introduced

House Bill No. 59. A bill to amend section 3 of an act entitled "An act regulating the commencing and adjourning of grand juries," approved March 10, 1873.

Which was read a first time.

Mr. Clark introduced

House Bill No. 60. A bill to amend section 102 of an act to provide for a uniform assessment of property.

Which was read a first time.

Mr. McCord introduced

House Bill No. 61. An act to amend the tenth section of an act approved June 9th, 1852, extending the jurisdiction of Justices of the Peace.

Which passed to its second reading.

The following message was received from the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed Senate Bill No. 33, entitled "A bill appropriating one hundred and twenty-five thousand dollars to defray the expenses of the Forty-ninth Regular Session of the General Assembly of the State of Indiana," and the same is herewith transmitted to the House.

Mr. Ragan introduced

House Bill No. 62. An act to limit the powers of Township Trustees in contracting debts, setting apart public days for transacting township business, and declaring an emergency.

Which was read a first time.

Mr. Thompson of Marion introduced

House Bill No. 63. A bill to repeal an act creating the office of County Superintendent of Public Instruction, and to provide for the election of School Examiners.

Which was read a first time.

Mr. Davisson introduced

House Bill No. 64. A bill to create the — Judicial Circuit, and fixing the times of holding courts therein, and providing for the appointment of a Judge and Prosecuting Attorney for said circuit.

Which was read a first time.

Mr. Lanham introduced

House Bill No. 65. Fixing the pay of County Commissioners.

Which was read a first time.

Mr. Harper introduced

House Bill No. 66. A bill declaring illegal and void, agreements to pay attorney fees contracted in bills of exchange, acceptance, drafts, promissory notes, or other written evidence of indebtedness.

Which was read a first time.

Mr. Turpie offered the following memorial of the officers and soldiers of the Mexican war:

*To the Senate and House of Representatives of the State of Indiana :*

The undersigned, your petitioners, respectfully represent that at a meeting of the soldiers of the Mexican war, held at the city of Indianapolis on the 7th day of January, 1875, we were appointed a committee to present this memorial to the General Assembly of the State of Indiana, and in behalf of those who served in the war of the United States against Mexico in the years 1846, 1847 and 1848, we respectfully represent that many of those who, more than a quarter of a century ago, maintained the honor of our flag in that gallant and triumphant contest, are now in necessitous circumstances, and stand in need of the care of a just and generous government.

By the valor of the veterans of the war with Mexico, the honor of the Nation was maintained, and a new Empire added to our dominions. We, therefore, pray your honorable body, in view of the valuable services of the veterans of the Mexican war, the long period that has elapsed, the great reduction in their number by death, the result of wounds received in battle or contracted in that service, the encroachments of age, with its attendant disabilities, and the extreme poverty of some of their number, that your honorable body will adopt a joint resolution instructing our Senators, and requesting our Representatives in Congress to enact a law granting, without favor or discrimination, to all those who served in the



Mexican war for a period of sixty days or more, and were honorably discharged, the small sum of eight dollars per month during their natural lives.

And your petitioners will, as in duty bound, ever pray.

JAMES A. CRAVENS,

JOHN LOVE,

AMBROSE B. CARLTON,

Committee.

JANUARY 7, 1875.

Which was referred to the Committee on Federal Relations.

Mr. Turpie introduced

House Bill No. 67. An act authorizing changing of name in certain educational institutions.

Which was read a first time.

Mr. Kennedy of Montgomery introduced

House Bill No. 68. An act providing for the improvement and repair of highways, repealing all acts inconsistent therewith, and declaring an emergency for the immediate taking effect of the same.

Which was read a first time.

Mr. Kennedy of Montgomery introduced

House Bill No. 69. An act authorizing Boards of County Commissioners to levy taxes to construct, repair, or purchase gravel, macadamized, or other improved roads.

Which was read a first time.

Mr. Kennedy of Morgan introduced

House Bill No. 70. To define bribery in certain cases, and to prescribe punishment for persons bribed to vote.

Which was read a first time.

Mr. Kennedy of Morgan introduced the following memorial from Monrovia Grange No. 89, Patrons of Husbandry :

*To the General Assembly of the State of Indiana :*

Monrovia Grange No. 89, of the Patrons of Husbandry, Morgan county, would respectfully represent to your honorable body that taxation, and especially local taxation, has become a heavy burden ; that the larger part is paid by farmers ; that crime and pauperism caused by the use of intoxicating liquors, are a chief cause of such high taxation.

We therefore pray that the present temperance law be sustained and so amended as to recognize drunkenness to be a crime.

The petition was directed to be forwarded through our Representative from this, Morgan, county.

[SEAL.]

WM. B. THOMPSON,

Master.

ELI HADLEY, Sec.

Which was read and referred to the Committee on Temperance.

Mr. Megenity introduced

House Bill No. 71. An act to limit the jurisdiction of grand juries and Justices of the Peace in certain cases and prescribing certain duties of Prosecuting Attorneys, repealing laws in conflict therewith and declaring an emergency.

Which was read a first time.

Mr. Thomas offered the following resolution :

*Resolved*, That the Committee on Railroads be, and they are hereby, instructed to inquire into the expediency of so regulating the rates of freights and passage upon the railroads so as, far as possible, to equalize local and through freights and passage, reducing the same to some fixed standard not detrimental or damaging to the local business of the country, and to report by bill, or otherwise.

Which was adopted.

Mr. Thomas offered the following resolution :

*Resolved*, That, in the judgment of the House, there is no necessity for an increase of State indebtedness or for increased taxation, and, in view of the low condition of the finances of the State, the expenditures of the State should be reduced to the lowest point consistent with a proper administration of public affairs.

Which was adopted.

Mr. Crumpacker introduced

House Bill No. 72. An act to compel railroad companies to fence their right of way and providing penalties for the violation thereof.

Which was read a first time.

Mr. Burson offered the following resolution :

WHEREAS, The State of Indiana is largely in debt, and

WHEREAS, An annual levy of eight cents on the one hundred dollars of the taxable property of the State is only sufficient to defray the ordinary expenses of the State and interest on the State's indebtedness, and

WHEREAS, Every consideration of humanity, as well as the demands of the people, render it necessary that this Legislature take steps looking toward the erection of an Asylum for the incurable insane, the building of which will materially add to the burthens of the people. Be it therefore hereby

*Resolved*, That this House will take no action at the present session toward the erection of a permanent State House.

Which was laid on the table.

Mr. Edwards introduced the following joint resolution :

*Be it resolved by the General Assembly of the State of Indiana*, That our Senators be instructed and our Representatives in Congress

be requested to enact a law, granting without favor or discrimination, to all those who served in the Mexican war for a period of sixty days or more and were honorably discharged, the sum of eight dollars per month during their natural lives, in accordance with the bill submitted to Congress, January 26th, 1874, with such amendments in favor of those who were discharged by reason of disability before the expiration of sixty days, as may be deemed just and expedient.

Which resolution was referred to the Committee on Federal Relations.

Mr. Romine introduced

House Bill No. 73. An act in relation to the continuance of civil causes.

Which was read a first time.

Mr. Leeper introduced

House Bill No. 74. An act for the protection of wild game and defining the time in which the same may be killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent therewith, and declaring an emergency.

Which was read a first time.

Mr. Taylor of Tipton, introduced

House Bill No. 75. An act supplementary to an act entitled "An act concerning partition of lands," approved May 20, 1852.

Which was read a first time.

Mr. Pfafflin introduced

House Bill No. 76. An act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prevent minors from purchasing same, to provide for a transfer of such license, to prohibit the adulteration of liquors, to repeal all former

laws contravening the provisions of this act and prescribing penalties for violation thereof, and declaring an emergency.

Which was read a first time.

Mr. Roseberry presented a petition.

Which was ordered to be filed.

Mr. Pfafflin introduced

House Bill No. 77. An act providing for publication of official matter in German newspapers, and declaring an emergency.

Which was read a first time.

#### HOUSE JOINT RESOLUTION NO. 4.

Mr. Miller introduced the following :

A joint resolution instructing our Senators and requesting our Representatives to vote for the bill now pending in Congress known as the 3-65 Interconvertable Bond Bill.

WHEREAS, A bill now pending in the Congress of the United States, known as the 3-65 Interconvertable Bond Bill, introduced by Judge Kelly, of Pennsylvania ; and,

WHEREAS, In the judgment of this General Assembly, the provisions of the said bill are just and ought to become a law ; therefore, be it

*Resolved, by the General Assembly of the State of Indiana, That our Senators in Congress be, and they are hereby instructed, and our Representatives requested, to vote for said bill and use their influence to procure its speedy passage. Be it further*

*Resolved, That the Governor be, and is hereby requested, to transmit a copy of this joint resolution to each of our Senators and Representatives in the Congress of the United States.*

Which was laid on the table.

Mr. Havens introduced

House Bill No. 78. A bill to regulate the exemption of property from sale in certain cases.

Which was read a first time.

Mr. Dale offered the following resolution :

*Resolved*, That it is the sense of this House that any further action at this time in regard to the affairs of Louisiana by this body is premature and uncalled for, and that the remarks of our worthy Speaker on taking the chair, on this point, meets our approbation and approval, and in the uncertainty and unreliability of newspaper reports, and the difficulty there is in coming at facts based on such rumors and reports, it does not become a deliberative body of this character to put forth any utterance until clear and trustworthy information is obtained.

Which was laid on the table.

Mr. Harris introduced

House Bill No. 79. A bill to amend section 83 of the act concerning decedents' estates.

Which was read a first time.

Mr. Collins introduced

House Bill No. 80. An act to amend sections 16 and 29 of an act entitled "An act concerning real property and the alienation thereof," approved May 6, 1852.

Which was read a first time.

Mr. Collins introduced

House Bill No. 81. An act to amend section 22 of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of officers, and declaring their duties," approved June 11, 1852.

Which was read a first time.

Mr. Martin of Wells offered the following House Resolution :

*Resolved by the House of Representatives of the General Assembly of the State of Indiana, That the Committee on Temperance be and are hereby instructed to inquire and report as to the expediency of drafting a law on the subject of temperance, providing for the application of all fees derived from the issuing of licenses to sell intoxicating liquors, if any, to the erection and maintenance of a Home, or Asylum for the incurable insane persons of the State of Indiana. All license fees so arising to be so applied until the 1st day of April, 1877, and thereafter to the school fund.*

Which was adopted.

Mr. Martin of Wells, introduced

House Bill No. 82. An act to provide for the erection of a monument to the soldiers who fell at the battle of Tippecanoe.

Which was read a first time.

Mr. Lanham offered the following resolution :

*Resolved, That Mrs. R. W. E. Spencer of Kansas, be accorded the use of this hall on Wednesday evening, January 13, for public readings, the proceeds to go to the benefit of the suffering people of Kansas.*

Which was adopted.

Mr. Kennedy submitted a petition from citizens of the State.

Which was ordered filed.

Mr. Trusler offered the following resolution :

*Resolved, That all bills and resolutions relating to education be referred to the Committee on Education.*

Which was adopted.

Mr. Wynn offered the following resolution :

*Resolved, That any and all members offering petitions on any*

and all subjects are hereby requested to designate the committee to which they wish them referred, and that they be so referred unless otherwise ordered.

Which was adopted.

The Speaker announced the first thing in order to be the consideration of Senate Bill No. 33.

Mr. Kennedy of Montgomery, moved that the rules be suspended and the bill be read a second time.

The question being shall the constitutional rules be suspended.

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Barney, Bearss, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davisson, Davis, Edwards, Emerson, Favorite, Forkner, Fulk, Gilbert, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Highway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Kennedy of Marion, Kennedy of Montgomery, Leeper, Lincoln, Martin, Marvin of Boone, Marvin of Fountain, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reddick, Reeder, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor, Thomas, Thompson of Henry, Thompson of Marion, Twibill, Walz, Waterman, Willet, Williams of Brown, Williams of Lawrence, Wynn, Mr. Speaker—86.

*Those who voted in the negative were,*

Messrs. Arnold, Lanham, Law, Martin, Megenity, Reno, Taylor, Trusler, Washburn, Woody—10.

So the constitutional rule was suspended and the bill read a second time by its title.

Mr. Heller moved that the rules be suspended, the bill considered engrossed, read a third time and be put upon its passage.



The question being, shall the rules be suspended and the bill be read a third time.

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bearss, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Charters, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davisson, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Leeper, Lincoln, Marvin of Boone, Marvin of Fountain, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Pfaffin, Ramsey, Ratliff, Ragan, Reddick, Reeder, Ribble, Romine, Roseberry, Shaffer, Shaw, Shugart, Smith, Snyder, Taylor of Daviess, Thompson of Marion, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Wynn, and Mr. Speaker—84.

*Those who voted in the negative were,*

Messrs. Cantley, Law, Martin of Franklin, Martin of Wells, Megenity, Miller of Parke, Reno, Shortridge, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, and Woody—13.

So the bill was read a third time and put upon its passage.

The question being shall the bill pass,

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bearss, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Charters, Clark, Collins, Crumpacker, Dale, Darnall, Davisson, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Kennedy of Marion, Kennedy of Montgomery, Lanham, Leeper, Lincoln, Marvin of Boone, Marvin of

Fountain, Miller, Montgomery, Morgan, McCord, McFadden, McMichael, Osborn, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ratliff, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor, Thompson, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Wynn and Mr. Speaker—82.

*Those who voted in the negative were,*

Messrs. Cantley, Law, Martin of Franklin, Martin of Wells, Megenity, Miller of Parke, Nash, Ragan, Shortridge, Taylor of Tipton, Thomas, Thompson of Henry, Trusler and Woody—14.

So the bill passed, and the clerk was instructed to notify the Senate thereof.

On motion of Mr. Wynn, the House adjourned till 2 o'clock p. m.

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#### AFTERNOON SESSION.

The House met pursuant to adjournment, the Speaker in the chair.

The Speaker announced the following correction in the chairmanship of the committees announced yesterday :

Mr. McMichael to be Chairman of the Committee on Printing.

Mr. Leeper to be Chairman of the Committee on Engrossed Bills.

Mr. Kennedy of Montgomery, offered the following resolution :

*Resolved*, That a committee of five be appointed by the Speaker to inquire into the general and local expenses connected with our judicial system, and report to the House in such manner and with such recommendations as they may deem best.

Which resolution was adopted.

Mr. Kennedy of Morgan, introduced the following resolution :

*Resolved*, That the Committee on Temperance be further instructed to embody a section or clause in a bill, which they shall present for the consideration of this House, empowering a majority of the citizens of a township, town or ward of a city in which a license may have been applied for, to sell intoxicating liquors, to remonstrate, and such remonstrance of a majority of citizens shall prevent the issuing of a license to sell in such locality.

Which resolution was referred to the Committee on Temperance.

Mr. Johnston of Dearborn, presented a petition from citizens of Dearborn county.

Which was referred to the Committee on Roads.

Mr. Barney moved that House Bill No. 14 be taken from the Speaker's table, the rules be suspended and that it be read a second time.

Which motion did not prevail.

Mr. Horn offered the following resolution:

WHEREAS, Great dissatisfaction exists among owners of real estate, used for farming purposes and lands wholly unimproved, with the present assessment and valuation of such lands for purposes of taxation; therefore,

*Resolved*, That a committee of five be appointed by the Speaker to consider and report whether it is not practicable to amend the existing law so as to distinguish between such lands and other property and provide for the assessment of such lands upon a basis below their full value.

Which was, on motion of Mr. Taylor, referred to the Committee on Rights and Privileges.

Mr. Forkner moved that the bills on the Speaker's desk be taken therefrom and be put upon their second reading.

Which motion prevailed.

House Bill No. 1 read a second time.

Which was, on motion of Mr. Waterman, referred to the Committee on Fees and Salaries.

House Bill No. 2, on motion of Mr. Wynn, was read a second time.

Which was referred to the Committee on Fees and Salaries.

House Bill No. 3, introduced by Mr. Williams of Brown, was read a second time.

Mr. Wynn moved to refer to Committee on Ways and Means.

Mr. Williams moved to amend by referring bill to Committee of Fees and Salaries.

Which was so referred.

Mr. Crumpacker moved a reconsideration.

Which motion was adopted.

Mr. Kennedy of Montgomery, moved to refer the bill to Committee on Ways and Means.

Mr. Marvin of Boone, moved to amend by referring bill to Committee on County and Township Business.

The bill was so referred.

House Bill No. 4, introduced by Mr. Trusler, was read a second time.

Which, on motion of Mr. Lanham, was referred to the Committee on Fees and Salaries.

House Bill No. 5, introduced by Mr. Woody, was read a second time.

Which, on motion of Mr. Darnall, was referred to the Committee on Fees and Salaries.

House Bill No. 6, introduced by Mr. Kennedy, was read a second time.

Which, on motion of Mr. Darnall, was referred to Committee on Cities and Towns.

House Bill No. 7, introduced by Mr. Wynn, was read a second time.

Which, on motion of Mr. Morgan, was referred to Committee on Fees and Salaries.

House Bill No. 8, introduced by Mr. Shaw, was read a second time.

Which, on motion of Mr. Collins, was referred to the Committee on Temperance.

House Bill No. 9, introduced by Mr. Havens, was read a second time.

Which, on motion of Mr. Johnson, was referred to the Committee on Temperance.

House Bill No. 10, introduced by Mr. Taylor of Tipton, was read a second time.

Mr. Darnall moved to refer the same to the Committee on Fees and Salaries.

Mr. Dale moved to amend, by referring the same to the Committee on Mileage and Accounts.

Which motion did not prevail.

The question recurring on the motion of Mr. Darnall, the same was referred to the Committee on Fees and Salaries.

House Bill No. 11, introduced by Mr. Osborn, was read a second time.

Which, on motion of Mr. Crumpacker, was referred to the Committee on Fees and Salaries.

House Bill No. 12, introduced by Mr. Harris, was read a second time.

Which, on motion of Mr. Crumpacker, was read a second time and referred to the Committee on Fees and Salaries.

House Bill No. 13, introduced by Mr. Harris, of Madison, was read a second time.

Which, on motion of Mr. Wynn, was referred to the Committee on County and Township business.

House Bill No. 14, introduced by Mr. Willett, was read a second time.

Mr. Burson moved to lay the same on the table.

Which motion did not prevail.

Mr. Marvin moved to refer to the Committee on Fees and Salaries.

It was so referred.

House Bill No. 15, introduced by Mr. Martin, of Wells, was read a second time.

Mr. Burson moved to lay the same on the table.

Which motion did not prevail.

On motion of Mr. Johnson the bill was referred to the Committee on Fees and Salaries.

House Bill No. 16, introduced by Mr. Martin of Wells, was read a second time.

Which, on motion of Mr. Darnall, was referred to the Committee on Fees and Salaries.

House Bill No. 17, introduced by Mr. Willett, was read a second time.

Which, on motion of Mr. Willett, was referred to the Committee on Fees and Salaries.

House Bill No. 18, introduced by Mr. Bellows, was read a second time.

Mr. Crumpacker moved to refer the bill to the Committee on Temperance.

It was so referred.

House Bill No. 19, introduced by Mr. Crumpacker, was read a second time.

Which, on motion of Mr. Williams, was referred to the Committee on Fees and Salaries.

House Bill No. 20, introduced by Mr. Edwards, was read a second time.

Which, on motion of Mr. Favorite, was referred to the Committee on Education.

House Bill No. 21, introduced by Mr. Forkner, was read a second time.

Which, on motion of Mr. Forkner, was referred to the Committee on Judiciary.

House Bill No. 22, introduced by Mr. Williams of Brown and Bartholomew, was read a second time.

Which, on motion of Mr. McFadden, was referred to the Committee on Fees and Salaries.

House Bill No. 23, introduced by Mr. Cantley, was read a second time.

Mr. Darnall moved to indefinitely postpone.

Which motion did not prevail.

And, on motion of Mr. Wynn, it was referred to the Committee on County and Township business.

House Bill No. 24, introduced by Mr. Waterman, was read a second time.

Which, on motion of Mr. Darnall, the same was referred to the Committee on Agriculture.

House Bill No. 25, introduced by Mr. Forkner, was read a second time.

Mr. Forkner moved to have the same referred to the Committee on Judiciary.

Mr. Gossman moved to amend by referring the same to Committee on Temperance.

Which motion did not prevail.

The question recurring on the original motion, the same was carried.

So the bill was referred to the Committee on Judiciary.

House Bill No. 26, introduced by Mr. Forkner, was read a second time.

Which, on motion of Mr. Burson, was referred to the Committee on Judiciary.

House Bill No. 27, introduced by Mr. Woody of Howard, was read a second time.

Which, on motion of Mr. Kennedy of Morgan, was referred to the Committee on Fees and Salaries.

House Bill No. 28, introduced by Mr. Shaffer, was read a second time.

Which, on motion of Mr. Favorite, was referred to the Committee on Education.

House Bill No. 29, introduced by Mr. Shaffer, was read a second time.



Mr. Edwards moved its reference to the Committee on County and Township Business.

Which motion did not prevail.

It was then, on motion of Mr. Wynn, referred to the Committee on Roads.

House Bill No. 30, introduced by Mr. Kennedy of Montgomery, was read a second time.

Which, on motion of Mr. Kennedy of Montgomery, was referred to the Committee on Judiciary.

House bill No. 31, introduced by Mr. Pate, was read a second time.

Which, on motion of Mr. Darnall, was referred to the Committee on Organization of Courts.

Mr. Pate presented a petition from citizens.

Which, on motion of Mr. Crumpacker, was referred to the Committee on Organization of Courts.

House Bill No. 32, introduced by Mr. Walz, was read a second time.

Which, on motion of Mr. Walz, was referred to the Committee on Judiciary.

House Bill No. 33, introduced by Mr. Walz, was read a second time.

Which, on motion of Mr. Walz, was referred to the Committee on Education.

House Bill No. 34, introduced by Mr. Burson, was read a second time.

Mr. Harris of Madison moved to refer the same to the Committee on Temperance.

Mr. Forkner moved, by way of an amendment, to refer the same to Judiciary.

Which motion did not prevail.

The question recurring on the original motion, the same prevailed.

So it was referred to the Committee on Temperance.

Mr. Clark introduced

House Bill No. 85. A bill defining the jurisdiction of Justices of the Peace.

Which was passed to its second reading.

House Bill No. 35, introduced by Mr. Henderson, was read a second time.

Which, on motion of Mr. Crumpacker, was referred to Committee on Rights and Privileges.

House Bill No. 36, introduced by Mr. Taylor of Tipton, was read a second time.

Mr. McMichael moved to refer the same to Committee on Organization of Courts.

Mr. Lanham moved to amend by referring to the Judiciary Committee.

Which amendment did not prevail.

The question recurring on the original motion it was adopted.

House Bill No. 37, introduced by Mr. Collins, was read a second time.

Which, on motion of Mr. Collins, was referred to the Committee on Temperance.

House Bill No. 38, introduced by Mr. Martin, of Adams and Wells, was read a second time.

Which, on motion of Mr. Crumpacker, was referred to Committee on Ways and Means.

House Bill No. 39, introduced by Mr. Favorite, was read a second time.

Which, on motion of Mr. Shortridge, was referred to the Committee on Judiciary.

House Bill No. 40, introduced by Mr. Taylor, of Daviess, was read a second time.

Which, on motion of Mr. Taylor, of Daviess, was referred to the Committee on Judiciary.

House Bill No. 41, introduced by Mr. Caldwell, was read a second time.

Which, on motion of Mr. Caldwell, was referred to the Committee on the Organization of Courts.

House Bill No. 42, introduced by Mr. Williams, of Brown, was read a second time.

Which, on motion of Mr. Williams, of Brown, was referred to the Committee on County and Township business.

House Bill No. 43, introduced by Mr. Waterman, was read a second time.

Which, on motion of Mr. Morgan, was referred to the Committee on County and Township business.

House Bill No. 44, introduced by Mr. Darnall, was read a second time.

Which, on motion of Mr. Darnall, was referred to the Committee on County and Township Business.

House Bill No. 45, introduced by Mr. Martin of Wells, was read a second time.

Which, on motion of Mr. Martin of Wells, was referred to Committee on Temperance.

House Bill No. 46, introduced by Mr. Pfafflin, was read a second time.

Which, on motion of Mr. Pfafflin, was referred to Committee on Federal Relations.

The Chair announced that the business on the Speaker's table had been disposed of.

Mr. Taylor of Tipton, offered the following resolution:

*Resolved*, That the case of the contest of Taylor v. Waterman be referred to the Committee on Elections, with instructions that they report without unnecessary delay.

Which was adopted.

Mr. Nash introduced

House Bill No. 83. An Act fixing the per diem and mileage of members of the General Assembly, and providing they shall find their own stationery, repealing all laws in conflict, and declaring an emergency.

Which passed to its second reading.

Mr. Kennedy of Montgomery introduced

House Bill No. 84. A bill to amend section one hundred and thirty-two and three hundred and seventy-four of the act entitled an act to revise, simplify and abridge the rules, practice, pleadings, and forms, in civil cases, in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was passed to its second reading.

Mr. Bearss introduced the claim of J. J. Palmer.

Which, on motion, was referred to the Committee on Claims.

Mr. Harris of Wayne county, submitted petition from the citizens of Wayne county, asking for the appointment of an additional court of law.

Which was read and referred to Committee on Organization of Courts of Justice.

Mr. Forkner offered the following resolution :

*Resolved*, That the Committee on the Organization of Courts be instructed to take into consideration the propriety and necessity of organizing a general system of criminal and probate circuit courts in this State, and report a bill thereon as soon as practicable, establishing the same and dividing the State into proper circuits.

Which was adopted.

Mr. Davis introduced

House Bill No. 86. An act to abolish the Twenty-seventh Judicial Circuit and the Criminal Circuit Courts therein, and to confer jurisdiction in criminal cases upon the Civil Circuit Courts of Floyd county and Clarke county, and to transfer all causes pending in said Criminal Circuit Courts to said Civil Circuit Courts.

Which was read a first time.

Mr. Marvin of Boone, offered the following resolution :

*Resolved*, That the credentials of the members of this House be referred to the Committee on Elections, and the members be requested to hand them to the Chairman thereof.

Which was adopted.

Mr. Clark introduced

House Bill No. 87. A bill to amend the fourteenth section of an act entitled, "An act to limit the number of grand jurors and to point out the manner of their selection, defining their jurisdiction."

tion, and repealing all laws in conflict therewith," approved December 31st, 1865.

Which was read a first time.

Mr. Heller introduced

House Bill No. 88. An act to amend an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of officers, etc."

Which was read a first time.

Mr. Keightly introduced

House Bill No. 89. A bill to authorize the organization of Boards of Trade and other commercial associations, and defining their powers.

Which was read a first time.

Mr. Havens introduced

House Bill No. 90. A bill to regulate appeals to the Supreme Court.

Which was read a first time.

Mr. Martin introduced

House Bill No. 91. Entitled An act fixing the per diem of members of the General Assembly an allowance to them for mileage, repealing all former laws, and declaring an emergency.

Which passed to its second reading.

Mr. Waterman presented a petition from citizens of DeKalb county.

Which, on motion, was referred to Committee on Fees and Salaries.

The following message was received from the Senate at the hands of the Secretary, who said :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has appointed the following Senators on Joint Committees, as follows :

JOINT STANDING COMMITTEES ON THE PART OF THE SENATE:

*On Enrolled Bills.*

Messrs. Johnson of Parke, Cree, Wilson.

*On Public Buildings.*

Messrs. Oliver, Slater, Scott.

*On State Library.*

Messrs. Rhodes, Davisson, Bearss.

*On Canal Funds.*

Messrs. Haworth, Humphrey, Caldwell.

*On Claims.*

Messrs. Harney, Roe, Cree.

On motion of Mr. Pfafflin, the House adjourned until January 13, at 9 a. m.

DAVID TURPIE,

Speaker.

## WEDNESDAY MORNING.

JANUARY 13TH, 1875, 9 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

The House was opened with prayer by Rev. Dr. Day.

The Journal was read in part, when, on motion of Mr. Collins, the further reading thereof was dispensed with.

The following message was received from the Senate:

The Secretary said:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following concurrent resolution, to-wit:

WHEREAS, A most respectful application has been made by the officers of the "Womans' Christian Temperance Union" of this State, praying that this General Assembly will grant them an audience of *one and a half hours* for the presentation to this General Assembly of petitions and for addresses by Mrs. Governor Wallace, of Indianapolis, and Mrs. Junia Avaline, of Ft Wayne; therefore be it

*Resolved by the Senate, the House concurring therein, That from 3½ to 5 o'clock p. m., on Thursday, January 21, be set apart for that purpose.*

In which the concurrence of the House of Representatives is respectfully requested.

Mr. Kennedy, of Montgomery, moved to take up the concurrent resolution of the Senate.

Which motion prevailed.



So the resolution was taken up.

Mr. Reno moved to lay the resolution on the table.

Which was afterward withdrawn.

Whereupon Mr. Davis moved to concur in the resolution.

Which motion prevailed.

So the resolution was concurred in and the Clerk of the House directed to notify the Senate thereof.

Mr. Harper introduced

House Bill No. 92. An act requiring Railroad Corporations to fence their tracks and providing penalties for the violation thereof.

Which was read a first time.

Mr. Havens moved to take up Joint Resolution No. 1. relating to Louisiana affairs

Which prevailed.

So the resolution was taken up.

Mr. Trusler moved the previous question

Which was afterwards withdrawn.

Mr. Trusler renewed his motion for the previous question.

Which prevailed.

And the question recurring on the passage of the resolution,

*Those who voted in the affirmative were,*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davidsson,

Davis, Edwards, Emerson, Evans, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Law, Martin of Franklin, Martin of Wells, Marvin of Boone, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, McCord, McFadden, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown, and Mr. Speaker—59.

*Those who voted in the negative were,*

Messrs. Ames, Anderson, Bearss, Charters, Clark, Crumpacker, Dale, Darnall, Favorite, Forkner, Fulk, Glasgow, Harper, Harris of Wayne, Heighway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Leeper, Lincoln, Morgan, Pfafflin, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shortridge, Smith, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody, Wynn—37.

So the resolution was adopted on behalf of the House, and the Clerk was directed to notify the Senate thereof.

Mr. Clark asked for leave of absence for one week for Mr. Shugart, on account of sickness.

Which leave was granted.

Mr. Trusler presented the petition of citizens of Union county, on the subject of Finance.

Which, on motion of Mr. Miller of Parke, was referred to the Committee on Fees and Salaries.

Mr. Bearss presented a petition from the citizens of Fulton County.

Which was referred to the Committee on Temperance.

Mr. Harris, of Wayne, presented a petition from citizens of Wayne County.

Which, on motion of Mr. Edwards, was referred to the Committee on Temperance.

Mr. Heller offered the following resolution :

*Resolved*, That the Clerk of the House be directed to furnish two hundred printed copies of the standing committees for the use of the House.

Which was adopted.

Mr. Reeder offered the following resolution :

*Resolved*, That the Committee on Public Buildings are hereby instructed to report to this House at their earliest convenience a bill providing for the erection of a building or buildings for the accommodation of the incurable insane of this State of equal or greater capacity than the building now in use for treating insanity.

On motion, referred to Committee on Benevolence.

Mr. Shaw presented the following resolution :

WHEREAS, The last Legislature of Indiana passed a bill abolishing the Court of Common Pleas and increased the number of Circuit Courts to an extent sufficient to meet the wants of the State, at the same time increasing the salaries of the Judges, and

WHEREAS, This bill was advocated and passed on the ground that it would meet all necessary wants in that regard, and be a measure of economy to the State and would be satisfactory to the people and the Courts. Therefore, be it

*Resolved*, That, during the present session we are opposed to any increase in the number of Circuits or any increase of the salaries of the Circuit Judges for the reason that public justice does not require it—and because we are opposed to any increase of the public expense which does not come within the rules of absolute necessity.

*Resolved*, 2d. That at the present salaries of the judges they can, and should, do the business of their courts and we will not increase

the taxes of the State to lessen the labor of judges, *not now* too great, for their pay.

Which was referred to the Committee on Organization of Courts of Justice.

Mr. Favorite presented a petition from citizens of Huntington County.

Which was, on motion of Mr. Darnall, referred to the Committee on Temperance.

Mr. Heller offered the following resolution :

*Resolved*, That we heard with great pleasuse the able and exhaustive message delivered in presence of the Joint Convention of the two Houses of this General Assembly, on Friday last, by his Excellency T. A. Hendricks, and whilst there may be those who will not endorse all contained therein, we, as the supporters and lovers of free government for all peoples, do endorse the same, and commend it to the judgment of this House, as a State paper well timed and unsurpassed by any thing of the kind in the history of the State of Indiana.

Which was adopted.

Mr. Forkner presented a petition from the citizens of Henry county.

The same was referred to the Committee on Temperance.

Mr. Dale offered the following resolution :

*Resolved*, That a committee of three be appointed by the Speaker to inquire into, and report to this House, at their earliest convenience, the number of attaches attending on this House, and their pay, and if in their opinion this number and pay can not be reduced without detriment to the business of the House.

Which was adopted.

Whereupon the Speaker appointed the following committee thereon :

Messrs. Dale, Gilbert and Cantley.

Mr. Forkner moved to reconsider the vote of yesterday upon the resolution presented by Mr. Kennedy of Montgomery, relating to the expenses of the judiciary.

Which motion did not prevail.

So the vote was not reconsidered.

House Bill No. 93, introduced by Mr. Crumpacker, was read a first time.

The Chair appointed the following committee to inquire and report as to general and local expenses of the judiciary in accordance with resolution offered by Mr. Kennedy of Montgomery :

Messrs. Kennedy of Montgomery, Brown and Forkner.

House Bill No. 47, introduced by Mr. Lanham was read a second time.

Which, on motion of Mr. Marvin of Boone, was referred to the Committee on Fees and Salaries.

House Bill No. 48, introduced by Mr. Heller, was read a second time.

Which, on motion, was ordered to lie on the table.

House Bill No. 49, introduced by Mr. Williams of Brown, was read a second time.

Which, on motion of Mr. Darnall, was referred to Committee on County and Township Business.

House Bill No. 50, introduced by Mr. Williams of Brown, was read a second time.

Which, on motion was referred to the Committee on Railroads.

House Bill No. 51, introduced by Mr. Cantley, was read a second time.

Which, on motion of Mr. Morgan, was referred to the Committee on the Organization of Courts.

House Bill No. 52, introduced by Mr. Caldwell, was read a second time.

Which, on motion of Mr. Willett, was referred to the Committee on Cities and Towns.

House Bill No. 53, introduced by Mr. Barney, was read a second time.

Which, on motion of Mr. Davis, was referred to the Committee on Judiciary.

House Bill No. 54, introduced by Mr. Barney, was read a second time.

Which, on motion of Mr. Barney, was referred to the Committee on Judiciary.

House Bill No. 55, introduced by Mr. Barney, was read a second time.

Which, on motion of Mr. Barney, was referred to the Committee on Cities and Towns.

House Bill No. 56, introduced by Mr. Waterman, was read a second time.

Which, on motion of Mr. Waterman, was referred to the Committee on Education.

House Bill No. 57, introduced by Mr. Waterman, was read a second time.

Which, on motion of Mr. Waterman, was referred to the Committee on Education.

House Bill No. 58, introduced by Mr. Clark, was read a second time.

Which, on motion of Mr. Clark, was referred to the Committee on Judiciary.

House Bill No. 59, introduced by Mr. Clark, was read a second time.

Which, on motion of Mr. Clark, was referred to the Committee on Organization of Courts.

House Bill No. 60, introduced by Mr. Clark, was read a second time.

Which, on motion of Mr. Clark, was referred to the Committee on Rights and Privileges.

House Bill No. 61, introduced by Mr. McCord, was read a second time.

Which, on motion of Mr. Morgan, was referred to the Committee on Judiciary.

House Bill No. 62, introduced by Mr. Ragan, was read a second time.

Which, on motion of Mr. Darnall, was referred to the Committee on County and Township Business.

House Bill No. 63, introduced by Mr. Thompson of Henry, was read a second time.

Which, on motion of Mr. Favorite, was referred to the Committee on Education.

House Bill No. 64, introduced by Mr. Davisson, was read a second time.

Which, on motion of Mr. Davisson, was referred to the Committee on Organization of Courts.

House Bill No. 65, introduced by Mr. Lanham, was read a second time.

Which, on motion of Mr. Edwards, was referred to the Committee on Fees and Salaries.

House Bill No. 66, introduced by Mr. Harper, was read a second time.

Which, on motion of Mr. Harper, was referred to the Committee on Rights and Privileges.

House Bill No. 67, introduced by Mr. Turpie, was read a second time.

Which, on motion of Mr. Shortridge, was referred to the Committee on Education.

Mr. Lincoln submitted petition which was referred to Committee on Temperance.

House Bill No. 68, introduced by Mr. Kennedy, of Montgomery, was read a second time.

Which, on motion of Mr. Favorite, was referred to the Committee on Roads.

House Bill No. 69, introduced by Mr. Kennedy of Montgomery, was read a second time.

Which, on motion of Mr. Kennedy, of Montgomery, was referred to the Committee on Roads.

House Bill No. 70, introduced by Mr. Kennedy, of Morgan, was read a second time.

Which, on motion of Mr. Edwards, was referred to the Committee on Elections.



House Bill No. 71, introduced by Mr. Megenity, was read a second time.

Which, on motion of Mr. Megenity, was referred to the Committee on Judiciary.

House Bill No. 72, introduced by Mr. Crumpacker, was read a second time.

Which, on motion of Mr. Crumpacker, was referred to the Committee on Agriculture.

House Bill No. 73, introduced by Mr. Romine, was read a second time.

Which, on motion, was referred to the Committee on Judiciary.

House Bill No. 74, introduced by Mr. Leeper, was read a second time.

Mr. Leeper moved to refer the same to the Committee on Rights and Privileges.

When Mr. Darnall moved, by way of amendment, that the same be referred to the Committee on Agriculture.

Which motion prevailing,

It was so referred.

House Bill No. 75, introduced by Mr. Taylor of Tipton, was read a second time.

Which, on motion, was referred to the Committee on Judiciary.

House Bill No. 76, introduced by Mr. Pfafflin, was read a second time.

Which, on motion of Mr. Lanham, was referred to the Committee on Temperance.

House Bill No. 77, introduced by Mr. Pfafflin, was read a second time.

Which, on motion of Mr. Pfafflin, was referred to the Committee on Printing.

House Bill No. 78, introduced by Mr. Havens, was read a second time.

Which, on motion of Mr. Morgan, was referred to the Committee on Judiciary.

House Bill No. 79, introduced by Mr. Harris of Wayne, was read a second time.

Which, on a motion of Mr. Harris of Wayne, was referred to the Committee on Judiciary.

House Bill No. 80, introduced by Mr. Collins, was read a second time.

Which, on motion of Mr. Collins, was referred to the Committee on Judiciary.

House Bill No. 81, introduced by Mr. Collins, was read a second time.

Which, on motion of Mr. Collins, was referred to the Committee on Cities and Towns.

House Bill No. 82, introduced by Mr. Martin of Wells, was read a second time.

Which, on motion of Mr. Bence, was referred to the Committee on Public Expenditures.

House Bill No. 83, introduced by Mr. Nash, was read a second time.

Which, on motion of Mr. Williams of Brown, was referred to the Committee on Fees and Salaries.

House Bill No. 84, introduced by Mr. Kennedy of Montgomery, was read a second time.

Which, on motion of Mr. Kennedy of Montgomery, was referred to the Committee on Judiciary.

House Bill No. 85, introduced by Mr. Clark, was read a second time.

Which, on motion of Mr. Clark, was referred to the Committee on Rights and Privileges.

House Bill No. 86, introduced by Mr. Davis, was read a second time.

Mr. Kennedy, of Montgomery, moved its reference to the Committee on Organization of Courts of Justice.

And Mr. Davis moved, by way of an amendment, that it be referred to the Committee on Judiciary.

Which motion prevailing,

It was referred to the Committee on Judiciary.

The following message was received from the Senate. The Secretary said :

**MR. SPEAKER:**

By direction of the Senate, I herewith transmit to the House of Representatives for the signature of the Speaker thereof enrolled Senate Act No. 33, entitled "An act appropriating one hundred and twenty-five thousand dollars to defray the expenses of the Forty-Ninth Regular Session of the General Assembly of the State of Indiana."

House Bill No. 87, introduced by Mr. Clark, was read a second time.

Which, on motion of Mr. Clark, was referred to the Committee on Organization of Courts of Justice.

House Bill No. 88, introduced by Mr. Heller, was read a second time.

Which, on motion of Mr. Heller, was referred to the Committee on Corporations.

House Bill No. 89, introduced by Mr. Keightly, was read a second time.

Which, on motion of Mr. Burson, was referred to the Committee on Corporations.

House Bill No. 90, introduced by Mr. Havens, was read a second time.

Which, on motion of Mr. Law, was referred to the Committee on Judiciary.

House Bill No. 91, introduced by Mr. Martin of Franklin, was read a second time.

Which, on motion, was referred to the Committee on Fees and Salaries.

Joint Resolution No. 2, presented by Mr. Morgan, was read a second time.

Which, on motion of Mr. Shortridge, was referred to the Committee on Fees and Salaries.

Mr. Miller, of Parke, offered the following resolution :

*Resolved*, Inasmuch as the members of the General Assembly of Indiana have almost universally been pledged to their constituents to use their influence to reduce the fees and salaries of nearly all the offices held in the State of Indiana, including their own compensation, And, inasmuch as it would be inconsistent and unjust to reduce the fees and salaries of nearly all other officers, and at the same time let our own remain unchanged almost through the entire length of the session, which would be the case in the regular routine of business. Therefore, be it resolved that the Chairman of the

Standing Committee on Fees and Salaries is hereby requested to call said committee together at their earliest possible convenience, and to proceed at once to the consideration of the different bills referred to the above-named committee in reference to the compensation of the members of the General Assembly of Indiana per diem; to make a report of bill as soon as practicable of their deliberations to this House so that said bill may be passed to its third reading, be enrolled and become a law at an early day in the session; also, said bill shall declare that an emergency exists and shall be in full force from and after its passage.

Which was referred to the Committee on Fees and Salaries.

Mr. Woody moved its reference to the Committee on Fees and Salaries.

Mr. Heller moved, by way of amendment, that it lie on the table.

On which motion Messrs. Miller of Parke, and Martin of Wells, demanded the ayes and noes.

Which resulted, ayes, 35; noes, 57.

So the resolution does not lie on the table.

The question recurring on the reference of said resolution to the Committee on Fees and Salaries.

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Barnes, Bellows, Cantley, Darnall, Harper, Harris of Wayne, Havens, Heighway, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Keightly, Kennedy of Montgomery, Miller of Vanderburgh, Patterson, Pycatt, Pfafflin, Ramsey, Ratliff, Ribble, Roseberry, Shaffer, Shortridge, Smith, Thompson of Marion, Twibill, Washburn, Williams and Woody—35.

*Those who voted in the negative were,*

Messrs. Arnold, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Charters, Clark, Collins, Crumpacker, Dale, Davis-H. J.—8

son, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Gossman, Harris of Madison, Haynes, Jackson, Johnston of Dearborn, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Megenity, Miller of Parke, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Pate, Ragan, Reddick, Reeder, Reno, Romine, Shaw, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Walz, Waterman, Willett, Williams of Lawrence, Wynn and Mr. Speaker—57.

So the resolution was referred to the Committee on Fees and Salaries.

Mr. Ragan submitted petition from citizens of the State.

Which was referred to Committee on Temperance.

On motion of Mr. Edwards, the House adjourned till 2 o'clock P. M.

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#### AFTERNOON SESSION.

The House met pursuant to adjournment, with the Speaker in the chair.

The Speaker then made a formal call for reports from committees.

There were none presented.

Mr. Kennedy of Montgomery, introduced

House Bill No. 94. An act supplemental to "An act regulating the granting of divorces, nullification of marriages and decrees, and orders of Courts incident thereto, and repealing all laws conflicting

with this act, and declaring an emergency," approved March 12, 1873.

Which was read a first time.

Mr. Marvin of Boone, introduced:

House Bill No. 95. An act to amend section 2 of an act entitled "An act concerning voluntary associations, and repealing former laws."

Which was read a first time.

Mr. Edwards offered

House Bill No. 96. An act to give each school district power to procure its proportion of school funds, to procure teachers, etc.

Which was read a first time.

Mr. Collins introduced

House Bill No. 97. An act to amend section 136 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and form in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a new form, mode, of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time.

Mr. Hopkins introduced

House Bill No. 98. An act defining the liability of mortgageors of real and personal property.

Which was read a first time.

Mr. Forkner introduced

House Bill No. 99. A bill to amend section 1 of an act to provide compensation to the owners of animals killed or injured by the

cars, locomotives, or other carriages of any railroads in this State, and to enforce the collection of judgments rendered on account of the same, and to repeal all laws inconsistent therewith.

Which was read a first time.

Mr. Bence introduced

House Bill No. 100. An Act to amend an act entitled "An act to provide for the election of a Reporter and a speedy publication of the decisions of the Supreme Court, and fixing the compensation thereof.

Which was read a first time.

Mr. Keightly introduced

House bill No. 101. An act to regulate public warehouses and warehousing, and inspecting and mixing grain, making warehouses receipt assignable, and negotiable by the law of merchants, and providing a penalty for issuing false or fraudulent receipts by warehouses.

Which was read a first time.

Mr. Ragan introduced

House Bill No. 102. An act to incorporate the Indiana Horticultural Society, and declaring an emergency.

Which was read a first time.

Mr. Trusler introduced

House Bill No. 103. An act to amend an act entitled "An act providing for the protection of fish, and repealing all laws in conflict with the same, prescribing penalties for the violation thereof, approved February the 22d, 1871.

Which was read a first time.



Mr. Ratliff introduced

House Bill No. 104. An act to amend section 16 of an act regulating the recording of mortgages.

Which was read a first time.

Mr. Collins introduced

House Bill No. 105. An act to amend section first of an act entitled an act to amend section fifteen of an act entitled "An act to provide for the opening, vacating and change of highways," approved June 17, 1852, approved March 9th, 1867.

Which was read a first time.

Mr. Havens introduced

House Bill No. 106. An act to amend section 5, of an act supplemental to an act to amend the 65th and 66th section of an act providing for the settlements of decedent's estate, approved February 20, 1855.

Which was read a first time.

Mr. Reno presented a petition from citizens of Floyd and Clark counties.

Which was referred to the Committee on Organization of Courts of Justice.

Mr. Darnall moved to reconsider the vote taken this morning, whereby House Bill No. 86, introduced by Mr. Davis, was referred to the Committee on Judiciary.

Which motion prevailed.

So the vote was reconsidered.

On motion of Mr. Davis, the same was referred to the Committee on Organization of Courts of Justice.

Mr. Davis presented two petitions, one from the Grand Jury and the other from the citizens of Floyd county.

Which were also referred to the Committee on Organization of Courts of Justice.

Mr. Kennedy of Montgomery, presented a petition from citizens of Montgomery on the the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Collins introduced

House Bill No. 107. An act to amend section eleven of an act entitled, "An act concerning the partition of lands," approved May 20, 1853.

Which was read a first time.

Mr. Charters introduced!

House Bill No. 108. A bill limiting the powers of County Commissioners.

Which was read a first time.

Mr. Waterman introduced

House Bill No. 109. An act to provide for the removal of line fences in certain cases, and prescribing the duties of justices, constables, and applicants in relation thereto.

Which was read a first time.

Mr. Twibill introduced

House Bill No. 110. An act prescribing the number of Senators and Representatives of the General Assembly of the State of Indiana.

Which was read a first time.

Mr. Williams of Brown, moved to lay the same on the table.

Which motion prevailed.

Mr. Marvin of Boone, moved to reconsider the vote by which House Bill No. 110 was tabled.

Which motion prevailed.

So the vote was reconsidered.

Mr. Kennedy of Marion, moved the indefinite postponement of said bill.

Which motion did not prevail.

And the bill passed to its second reading.

Mr. Wynn introduced

House Bill No. 111. A bill defining grave robbing and prescribing punishments therefor, and declaring an emergency.

Which was read a first time.

Mr. Wynn offered the following resolution.

*Resolved*, That the Clerk of the House be requested to invite the Senate to meet with us in Joint Session, on Thursday, January 21st, at 3½ o'clock, for the purpose of hearing Mrs. Ex-Governor Wallace of Indianapolis, and Mrs. Aveline of Fort Wayne, on the subject of Temperance.

Which was adopted.

Mr. Clark introduced

House Bill No. 112. An act to amend an act entitled "An act to protect wild game," etc.

Which was read a first time.

Mr. Megenity from the Joint Committee on Enrolled Bills, made the following report :

MR. SPEAKER :

The Joint Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his signature the following enrolled act to-wit :

Enrolled act No. 33 of the Senate, entitled an act appropriating \$125,000 to defray the expenses of the General Assembly of the State of Indiana.

J. L. MEGENITY,

Chairman.

On motion of Mr. Wynn, the House adjourned till to-morrow morning at 9 o'clock.

DAVID TURPIE,

Speaker.

THURSDAY MORNING.

JANUARY 14, 1875, 9 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

The journal was being read when Mr. Crumpacker moved to dispense with the further reading of the journal.

Which motion did not prevail.

So the reading of the journal was not dispensed with.

The reading thereof was continued and the same approved.

The Speaker called for Reports from the Committees.

When Mr. Kennedy of Montgomery, from the Committee on Judiciary, made the following majority report:

MR. SPEAKER:

The Committee on the Judiciary have had under consideration House Bill No. 30, entitled, "An act providing for the commencement and prosecution of criminal actions by information and declaring an emergency," and directed me to report the following amendments:

1. That on page 1, line 20, after the word "*witnesses*" the words "*not exceeding three*" be inserted.
2. That section 4 be stricken out and that said bill when so amended be passed.

Which report was concurred in.

The question being, shall the recommendations in the report of the Judiciary be concurred in.

The same prevailed.

So the recommendations were concurred in.

The question being, shall the bill be engrossed?

It was so ordered.

Mr. Williams of Brown, introduced

House Bill No. 113. An act to amend the school law of 1873.

Which was read a first time.

Mr. Cantley introduced

House Bill No. 114. An act creating a uniform rate of toll on railroads.

Which was read a first time.

Mr. Bence introduced

House Bill No. 115. An act to prevent the sale of drugs or medicines designed to procure criminal abortion.

Which was read a first time.

Mr. Caldwell offered the following resolution :

*Resolved*, That the Committee on the Judiciary be instructed to inquire what further legislation, if any, is necessary to secure a fair, just and equitable assessment of taxable property within this State, as is required and contemplated by the Constitution of the State of Indiana, and report by bill or otherwise.

Which was adopted.

Mr. Taylor of Daviess, presented the following resolution :

WHEREAS, There is a large amount of stationery in the hands of the State Librarian, as found in that officer's report, pages 41 and 42, known as the Braden stationery, the history of which is as follows :

Prior to the meeting of the Assembly Special Session, 1872, the State Librarian made a contract with Braden & Burford for certain stationery for the General Assembly, when the law then existing provided that the State officers, including the Auditor, Treasurer, and Secretary of State, should constitute a Board for the purchase of stationery, etc., for the use of the General Assembly. Upon investigation of the facts connected with the contract between Messrs. Braden & Burford and the State Librarian, it was ascertained that Messrs. Braden & Burford furnished the said stationery, etc., fully advised of the effect of the law providing for the purchase of said stationery by the Board of State Officers, as constituted and empowered by law, and the General Assembly refused to pay for the same. The State Board afterwards took so much of said order as was printed and only of service to the State, and refused to take such paper and stationery as could be otherwise used by the said Braden & Burford. Much of said stationery, etc., was taken back by the said Braden & Burford, and much was left and still remains in the hands of the State Librarian, as shown by that officer's

report, in the pages hereinbefore mentioned ; and the quantity only serviceable to the State, and ordered by the Board of State Officers and paid for, on their recommendation, from the Treasury of the State, was turned over to the Secretary of State, as shown by the State Librarian's report, page 42.

There is at present in the office of the Secretary of State, a quantity of stationery, etc., sufficient to supply the Legislature for two sessions of the Assembly, with the exception of enrolling and engrossing paper, which is purchased from session to session, and of which there is sufficient for the use of the present General Assembly, as we are informed by the Secretary of State ; therefore,

*Resolved*, That the Secretary of State be requested to furnish a complete list of the paper and the stationery now in his possession purchased for the use of the General Assembly, stating when purchased and by whom, and that said report of said Secretary be made at as early a period as practicable.

Mr. Wynn moved to amend by inserting " and at what price."

It was so amended.

And, on motion, was adopted as amended.

Mr. Shaw introduced

House Bill No. 116. An act supplemental to "An act concerning licenses to vend foreign merchandise ; to exhibit any caravan menagerie, circus, rope and line dancing, puppet shows and legerdemain," approved June 15, 1852.

Which was read a first time.

Mr. Waterman introduced

House Bill No. 117. A bill requiring all public officers to account for interest or percentage received on public funds ; providing punishment for a violation of this act, and declaring an emergency.

Which was read a first time.

Mr. Barney submitted petition from citizens of Elkhart county.

Which was referred to Committee on Temperance.

Mr. Trusler introduced

House Bill No. 118. A bill to amend section 5 of an act entitled an act to amend an act entitled, "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulating of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed ;" approved March 6, 1865, and adding supplemental sections thereto, approved March 8, 1873.

Which was read a first time.

The following message was received from the Senate. The Secretary said :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following joint resolution, to wit :

Engrossed Senate Joint Resolution No. 3, entitled, 'A joint resolution to make temporary provision for the public printing, and the same is herewith transmitted to the House of Representatives.'

Mr. Trusler presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Davis presented a petition from the Board of County Commissioners of Floyd county asking for the repeal of the Criminal Court of Floyd and Clark counties.

Which was on motion of Mr. Davis, referred to the Committee on the Organization of Courts of Justice.



Mr. Marvin of Fountain, presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Fulk presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Ramsey introduced

House Bill No. 119. Amending sections number six and nine, and repealing sections number eleven and twelve, of an act approved March 10, 1873, and declaring an emergency.

Which was read a first time.

Mr. Morgan presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Favorite introduced

House Bill No. 120. An act defining the powers and duties of Justices of the Peace in criminal cases, repealing conflicting laws, and declaring an emergency.

Which was read a first time.

Mr. Brown presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Lanham offered the following joint resolution :

*Resolved, by the General Assembly of the State of Indiana, That we have heard with deep regret of the death of Hon. Milton B. Hopkins, Superintendent of Public Instruction; that we appreciate his eminent ability and distinguished public services, and that we commend his bereaved family to the sympathy of all the citizens of the State without regard to party.*

Which was read a first time.

Mr. McFadden presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Williams of Lawrance, presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Keightly presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Hopkins presented the claim of John F. Cookers.

Which was referred to the Committee on Claims.

Mr. Snyder introduced

House Bill No. 121. An act prescribing that actions for the recovery of money on any debt, obligation or contract may be brought in the township where the debt, obligation or contract was created as well as in the township where the person resides, and declaring an emergency.

Which was read a first time.

Mr. Roseberry offered the following resolution :

*Resolved*, That the Doorkeeper of this House be requested to report the cost of those rooms for committees.

Which was adopted.

Mr. Kennedy of Montgomery, introduced

House Bill No. 122. An act providing that in trials by jury, a majority of two-thirds of the jury may make a verdict.

Which was read a first time.

Mr. Kennedy of Morgan, presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Kennedy of Morgan, presented the petition of Monrovia Grange.

Which was referred to the Committee on Agriculture.

Mr. Crumpacker presented the claim of J. J. Ferris.

Which was referred to the Committee on Claims.

Mr. Burson introduced

House Bill No. 123. An act to amend an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State to abolish distinct forms of actions at law and to provide for the administration of justice in a uniform manner of pleadings and practice without distinction between law and equity," approved June the 18th, 1852, and to repeal all laws in conflict therewith.

Which was read a first time.

Mr. Burson introduced

House Bill No. 124. An act to amend an act entitled "An act concerning promissory notes, bills of exchange, bonds or other instruments in writing, signed by any person who promises to pay money, or acknowledges money to be due, or for the delivery of any specific article, or to convey property, or to perform any stipulation therein mentioned, and repealing all laws in conflict therewith," approved March 11, 1861, and to repeal all laws in conflict herewith.

Which was read a first time.

Mr. Burson introduced

House Bill No. 125. An act entitled an act to amend an act entitled "An act to provide for a general system of common schools,

the officers thereof, all their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith and providing penalties therein prescribed, and to repeal sections 6 and 7 of said act," approved March 8, 1873.

Which was read a first time.

Mr. Reeder introduced

House Bill No. 126. A bill regulating interest on money and providing for attorney's fees, where such fee is to be paid to plaintiff's attorney by defendant.

Which was read a first time.

Mr. Reddick introduced

House Bill No. 127. An act to regulate the fees and salaries of the County Treasurers of the several counties of the State of Indiana.

Which was read a first time.

Mr. Reddick presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Anderson presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Taylor of Tipton, introduced

House Bill No. 128. An act entitled, "An act to repeal section fifty-five of an act to amend an act to authorize and regulate the business of general banking," approved March 3, 1855.

Which was read a first time.

Mr. Pfafflin presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Gilbert offered the following resolution.

*Resolved*, That the Auditor of State be required to furnish a full and complete list of the employes of the House during the session of 1873, together with the amount paid said employes.

Which was adopted.

Mr. Havens introduced

House Bill No. 129. An act to amend an act entitled "An act to incorporate the Indiana Fire and Marine Insurance Company."

Which was read a first time.

Mr. Dale presented a petition on the subject of Temperance.

Which was referred to the Committee on Temperance.

Mr. Dale offered the following resolution.

*Resolved*, That the Chair appoint a committee of three, whose duty it shall be to communicate with the Auditor of State and ascertain what it has cost the State yearly for the Brevier Reports of the General Assembly, and further make the necessary inquiry and report whether those reports are a necessity and add anything to the intelligence and well being of the inhabitants of the State.

Which was adopted.

Mr. Ratliff of Wayne, presented five petitions on the subject of temperance.

Which were referred to the Committee on Temperance.

Mr. Martin of Wells, presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Davis offered the following resolution :

*Resolved*, That the Committee on Judiciary be instructed to inquire and report as soon as practicable whether or not there is more than one vacancy in the office of Trustee of the Blind Asylum to be filled at the present session of the General Assembly.

Which was adopted.

Mr. Marvin of Boone, presented the memorial of G. W. Gibson.

Which was referred to the Committee on Federal Relations.

Mr. Cantley introduced

House Bill No. 130. An act to exempt specific articles of personal property from execution.

Which was read a first time.

Senate Joint Resolution No. 3, was received, and read a first time.

House Bill No. 92, introduced by Mr. Harper, was read a second time.

Which, on motion of Mr. Shortridge, was referred to the Committee on Railroads.

House Bill No. 93, introduced by Mr. Crumpacker, was read a second time.

Which, on motion of Mr. Crumpacker, was referred to the Committee on Judiciary.

House Bill No. 94, introduced by Mr. Kennedy of Montgomery, was read a second time.

Which, on motion of Mr. Kennedy of Montgomery, was referred to the Committee on Judiciary.

House Bill No. 95, introduced by Mr. Marvin of Boone, was read a second time.

Which, on motion of Mr. Marvin of Boone, was referred to the Committee on Agriculture.

House Bill No. 96, introduced by Mr. Edwards, was read a second time.

Which, on motion of Mr. Lanham, was referred to the Committee on Education.

House Bill No. 97, introduced by Mr. Collins, was read a second time.

Which was referred to the Committee on Judiciary.

House Bill No. 98, introduced by Mr. Hopkins, was read a second time.

Which was referred to the Committee on Judiciary.

House Bill No. 99, introduced by Mr. Forkner, was read a second time.

Which was referred to the Committee on Railroads.

House Bill No. 100, introduced by Mr. Bence, was read a second time.

Which was referred to the Committee on Judiciary.

House Bill No. 101, introduced by Mr. Keightly, was read a second time.

Which was referred to the Committee on Corporations.

House Bill No. 102, introduced by Mr. Ragan, was read a second time.

Which was referred to the Committee on Agriculture.

House Bill No. 103, introduced by Mr. Trusler, was read a second time.

Which was referred to the Committee on Rights and Privileges.

House Bill No. 104, introduced by Mr. Ratcliff, was read a second time.

Which, on motion of Mr. Harris, of Wayne, was referred to the Committee on Judiciary.

House Bill No. 105, introduced by Mr. Collins, was read a second time.

Which was referred to the Committee on Roads.

House Bill No. 106, introduced by Mr. Havens, was read a second time.

Which, on motion of Mr. Havens, was referred to the Committee on Judiciary.

House Bill No. 107, introduced by Mr. Collins, was read a second time.

Which was referred to the Committee on Judiciary.

House Bill No. 108, introduced by Mr. Charters, was read a second time.

Which, on motion of Mr. Charters, was referred to the Committee on County and Township Business.

House Bill No. 109, introduced by Mr. Waterman, was read a second time.

Which was referred to the Committee on Agriculture.

House Bill No. 110, introduced by Mr. Twibill, was read a second time.

Mr. Forkner moved to indefinitely postpone.

Which did not prevail.



Mr. Lanham moved that the bill lie on the table.

It was so ordered.

House Bill No. 111, introduced by Mr. Wynn, was read a second time.

Which, on motion of Mr. Wynn, was referred to the Committee on Rights and Privileges.

House Bill No. 112, introduced by Mr. Clark, was read a second time.

Which, on motion of Mr. Clark, was referred to the Committee on Agriculture.

Mr. Darnall introduced the following resolution:

*Resolved*, That the Judiciary Committee be instructed to inquire into the legality and propriety of having only six petit jurors for trying any civil cause in any of the courts of this State, and report by bill or otherwise.

Which was adopted.

Mr. Davis moved to adjourn, but finally withdrew his motion.

Mr. Kennedy of Marion, introduced

House Bill No. 131. An act to regulate the sale of intoxicating liquors.

Which was read a first time.

On motion of Mr. Collins the House adjourned till 2 o'clock this afternoon.

## AFTERNOON SESSION.

The House met pursuant to adjournment, Speaker in the chair.

Mr. Wynn requested to have the resolution offered by Mr. Darnall on the subject of statutes read for information.

It was so ordered.

Mr. Edwards offered the following resolution :

WHEREAS, The charter or act incorporating the Terre Haute and Indianapolis Railroad Company, granted and passed January 26, 1847, provides in section 23 of said act that certain surplus profits shall be paid over to the Treasurer of State for the use of common schools ; and,

WHEREAS, It is alleged that the said railroad company has failed to carry out that provision of its charter or act of incorporation, and that it is now thereby indebted to the school fund in a large sum of mon      Therefore,

*Resolved*, That the Committee on Railroads be requested to ascertain whether the said Terre Haute and Indianapolis Railroad Company has complied with the conditions, provisions, and obligations set forth in section 23 of the act incorporating said company, approved January 26, 1847, and that to satisfactorily investigate all matters connected therewith, the said committee be and is hereby authorized to send for and examine the books and papers of said railroad company, and to summon and examine the officers and employes of said company and any other person or persons whose evidence may be necessary to obtain the facts in the case.

Mr. Forkner presented the following amendment :

*Resolved*, That the Attorney General be requested to lay before this House, at as early a day as possible, all the facts in his possession with reference to the claim of the State of Indiana against the Terre Haute and Indianapolis Railroad Company and the present condition thereof.

Which amendment was adopted.

Mr. Morgan introduced

House Bill No. 132. A bill to prevent the indiscriminate shooting into the roosting and nesting of wild pigeons.

Which was read a first time.

Mr. Morgan presented a petition from sundry citizens of Hendricks county on the subject of "Protection to Wild Game."

Which was ordered to accompany House Bill No. 132.

Mr. Horn introduced

House Bill No. 133. A bill to regulate the assessment of real estate and personal property for purpose of taxation, providing for the election of Assessors prescribing their duties and fixing their compensations.

Which was read a first time.

Mr. Kennedy of Marion, moved that the bill lie on the table.

Which motion did not prevail.

Mr. Collins introduced

House Bill No. 134. An act amending the 17th section of an act providing for the organization of County Boards and proscribing some of their powers and duties, approved June 17, 1852; approved March 4, 1869.

Which was read a first time.

Mr. Darnall presented a petition from the county officers and the Board of County Commissioners of Clarke county in reference to the abolishing of the Criminal Court.

Which was referred to the Committee on Organization of Courts of Justice.

Mr. Pate introduced

House Bill No. 135. An act relating to public sale of real estate, defining the duties of the Sheriff therein.

Which was read a first time.

Mr. Davis presented the following resolution .

*Resolved*, That the Committee on Judiciary and Committee on Ways and Means be, and they are hereby authorized to employ a Secretary each to enable them to fully discharge their duties, and that the Chairman of such committees report to this House the names of such Secretaries.

Which resolution was adopted.

Mr. Kennedy of Marion, introduced

House Bill No. 136. An act to provide for the speedy collection of wages due common laborers.

Which was read a first time.

Mr. Martin of Wells, from the Judiciary Committee, made the following report :

HOUSE JUDICIARY ROOM,

January 14, 1874.

MR. SPEAKER :

The Judiciary Committee, to which was referred the resolution on the subject of the election of trustees for the Indiana Institute for the education of the Blind, have considered the same and offer the following report :

Section 3 of the Act of March, 1859, providing for the filling of vacancies in the Board of Trustees for the Indiana Institute of the Blind, is in direct conflict with section eighteen of article five of the constitution on the same subject. Hence the appointment of

Mr. Cortez Ewing as Trustee of said Institute, vice Beard, by His Excellency, Governor Hendricks, was legal, being in strict accordance with the provisions of section eighteen of article five of the constitution.

The said act of 1859 provides for the election of one Trustee biennially. Beard, the predecessor of said Ewing, was elected in 1873 for a term of four years. Mr. Byfield, another of said Trustees, was elected in 1871, for a term of four years. His term expires in April of the present year. The term for which said Beard was elected, will expire in 1877. The reason of the law providing for the election of one Trustee biennially is obvious. It is that one Trustee, familiar with the duties and details of the position, may always be on the Board.

To elect two Trustees at any biennial election, would be in direct conflict with that provision of the law which declares "One Trustee shall be elected biennially" and it would also defeat the reason and objects of said law. Your committee is therefore of the opinion that there is but one Trustee to be elected at this session of the General Assembly, and that the said Trustee so to be elected is to fill the vacancy to be occasioned by the expiration of the term of Mr. Byfield in April of the present year. We therefore recommend the passage of the accompanying resolution.

Respectfully submitted.

Which report was received and concurred in.

Mr. Martin of Wells, from the Judiciary Committee, offered the following Resolution:

*Resolved*, That there is but one Trustee for the Indiana Institute for the Education of the Blind to be elected at this session of the General Assembly, and that the Trustee so to be elected shall be to fill the vacancy caused by the expiration of the term of Mr. Byfield.

Which resolution was adopted.

Mr. Romine offered the following Joint Resolution:

WHEREAS, There exists an inequality in the bounties to soldiers who served during the late war for the preservation of the National Union, in that no provision is made to pay bounties to those soldiers who served for a shorter period than two years; and

WHEREAS, The people of the State of Indiana demand that all bounties to soldiers shall be equalized, and that they have on divers occasions so expressed themselves when in conventions; and

WHEREAS, The party in power though having after promising to do so utterly failed and refused to pass any and all bills that have heretofore been proposed for the equalization of soldiers bounty, therefore,

*Resolved, By the General Assembly of the State of Indiana, That our Representatives in Congress be requested, and that our Senators be and they are hereby instructed to use their influence for the passage of such a law as shall equalize the bounty of all soldiers who served in the late war for the preservation of the National Government, and have been honorably discharged by paying them a pro rata bounty equal to the sum per month paid to such soldiers as served out their full time.*

*Resolved, That a copy of the foregoing preamble and resolution be transmitted to the Governor and by him certified to our Representatives and Senators in the National Congress.*

Which was read a first time.

On motion of Mr. Shortridge the House adjourned till to-morrow morning at 9 o'clock.

DAVID TURPIE,  
Speaker.

## FRIDAY MORNING.

JANUARY 15, 1875.

The House met pursuant to adjournment, the Speaker in the chair.

The House was opened by prayer by Rev. Mr. Dean.

The Journal of yesterday was read in full and approved.

Mr. Heller moved a reconsideration of the vote taken yesterday on the resolution authorizing the Committee on Ways and Means and the Committee on Judiciary to employ a Secretary for each of said committees.

Messrs. Havens and Willett demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Barney, Bence, Brown of Rush, Burson, Charters, Clark, Collins, Dale, Emerson, Favorite, Forkner, Fulk, Gilbert, Gossman, Harris of Wayne, Havens, Heighway, Heller, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Morgan, Kennedy of Montgomery, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Park, Miller of Vanderburgh; Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Pfafflin, Ramsey, Ratliff, Ragan, Reddick, Reeder, Romine, Shaw, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Marion, Trusler, Twibill, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody and Wynn.—65.

*Those who voted in the negative were,*

Messrs. Arnold, Bellows, Brown of Jasper, Caldwell, Cantley, Crumpacker, Darnall, Davisson, Davis, Edwards, Evans, Harper, Harris of Madison, Haynes, Henderson, Hopkins, Kennedy of Marion, Pate, Patterson, Peyatt, Reno, Ribble, Roseberry, Shaffer, Shortridge, Smith, Thompson of Henry, Walz, Washburn, and Mr. Speaker—30.

So the motion to reconsider prevailed.

Mr. Leeper, from the Committee on Engrossed Bills, submitted the following report:

MR. SPEAKER:

The Committee on Engrossed Bills have compared the original and engrossed copy of House Bill No. 30, and find the same correctly engrossed and have instructed me to report accordingly.

Mr. Davis presented the following resolution:

*Resolved*, That the Judiciary Committee be, and they are instructed to report a bill authorizing the employment of two clerks, whose duty it shall be to act as clerks to the Committee on Judiciary and the Committee on Ways and Means.

Mr. Forkner offered the following resolution as an amendment:

*Resolved*, That the Committees on Judiciary and on Ways and Means be requested to report to the House upon the necessity of each of said committees employing a Clerk or Secretary.

Which was laid on the table.

Mr. Kennedy of Montgomery moved that Engrossed House Bill No. 30 be read a third time.

It was so ordered.

Mr. Willett moved the bill lie on the table and that one hundred copies be printed.

Which motion prevailed.



Mr. Heller introduced

House Bill No. 137. An act entitled an act to amend section 4, of an act entitled "An act in relation to the organization of the two Houses of the General Assembly prescribing the number of offices and employes of each House and regulating their duties."

Which was read a first time.

Mr. Leeper introduced

House Bill No. 138. An act for the destruction of wolves and foxes, repealing all laws and parts of laws inconsistent herewith, and declaring an emergency.

Which was read a first time.

Mr. Havens introduced

House Bill No. 139. An act defining the liability of married women on their contracts, and declaring an emergency.

Which was read a first time.

Mr. Ames presented the claim of Nicholas Shearer.

Which was referred to the Committee on Claims.

Mr. Davis presented the petition of the Mayor and Common Council of the city of New Albany on the subject of abolishing the Criminal Court of Floyd and Clarke counties.

Which was referred to the Committee on organization of Courts of Justice.

Mr. Williams of Brown offered the following resolution :

*Resolved*, That the Committee on Organization of Courts of Justice be requested to inquire into the expediency and practicability of a modification of the present Grand Jury system giving the Grand Jury cognizance of felonies only ; providing for the trial and pun-

ishment of misdemeanors before a Justice of the Peace ; or in the Circuit Court by affidavit and information and that said Committee report to this House by bill or otherwise at their earliest convenience.

Which was adopted.

Mr. Davis moved that Mr. Anderson be added to the Committee on Education.

It was so ordered.

Mr. Heller asked for leave of absence until Monday for Mr. Crane on account of important business.

Which was granted.

Mr. Darnall introduced

House Bill No. 140. An act legalizing certain official acts of the Common Council of the city of Kokomo, and other officers of said city.

Which was read a first time.

When, on motion of Mr. Morgan, the House adjourned till 2 o'clock this afternoon. /

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#### AFTERNOON SESSION.

The House met pursuant to adjournment, the Speaker in the chair.

The Speaker laid before the House the following report of the Doorkeeper :

*To the Speaker of the House :*

In compliance with the order of the House directing me to secure furnished rooms for the use of the clerks and committees of the

House, I have rented eight rooms at the Hotel Bates during the present session at one thousand dollars.

This contract was made so that the proprietors of the said Hotel Bates should furnish all lights, fuel, and keep up fires whenever required, furnish all tables, chairs, and other furniture necessary to the proper discharge of the duties of the clerks and committees aforesaid.

The rooms are all to be cleaned by the proprietors and hotel accommodations furnished without extra charge. This arrangement dispenses absolutely with all janitors, fireman, and any and all other expenditures.

Before closing the contract I examined the matter of the cost of rooms for such purposes heretofore, and find that the contract which I have made would be a saving of not less than 50 per cent.

In selecting these rooms I had in view the convenience of committees as well as the economy of the arrangement. Before closing a contract I took separate bids from others besides the proprietors of the Bates House, and his being the lowest bid, and much preferable because of the capacity of the rooms, I closed the contract with him as stated.

All of which is respectfully submitted,

M. T. LEWMAN,

Doorkeeper.

The Speaker laid before the House a memorial from the National Board of Trade concerning the formation of business associations.

Which was referred to the Committee on Corporations.

The Speaker laid before the House a memorial from the National Board of Trade on the subject of transportation.

Which was referred to the Committee on Railroads.

The Speaker laid before the House a memorial from the National Board of Trade upon the subject of mercantile firms.

Which was referred to the Committee on Judiciary.

Mr. Heller moved to suspend the rules and take up House Bill No. 137, and that the same be read a second time.

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Bellows, Bence, Brown of Jasper, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crumpacker, Dale, Davisson, Davis, Emerson, Evans, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Leeper, Lincoln, Martin of Franklin, Marvin of Fountain, Miller of Parke, Miller of Vanderburgh, Montgomery, McCord, McFadden, McMichael, Pate, Peyatt, Pfafflin, Ramsey, Ratcliff, Ragan, Reddick, Reeder, Ribble, Romine, Roseberry, Shaffer, Shaw, Smith, Taylor of Daviess, Taylor of Tipton, Thompson of Henry, Thompson of Marion, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Wynn and Mr. Speaker—72.

*Those who voted in the negative were,*

Messrs. Favorite, Forkner, Fulk, Kennedy of Morgan, Lanham, Law, Martin of Wells, Marvin of Boone, Megenity, Morgan, Osborn, Reno, Shortridge, Snyder, Thomas, Trusler and Woody.—15.

So the motion prevailed.

House Bill No. 137 introduced by Mr. Heller was read a second time and referred to the Committee on Judiciary.

Mr. Forkner presented a petition from citizens of Henry county on the subject of Temperance.

Which was referred to the Committee on Temperance.

Mr. Leeper presented a petition from citizens St. Joseph county on the subject of Temperance.

Which was referred to the Committee on Temperance.

Mr. Edwards presented a petition on the subject of Temperance.

Which was referred to the Committee on Temperance.

Mr. Kennedy of Morgan presented a petition from citizens of Morgan county on the subject of Temperance.

Which was referred to the Committee on Temperance.

Mr. McCord presented a petition from citizens of Hancock county on the subject of Temperance.

Which was referred to the Committee on Temperance.

Mr. Ratliff presented a petition from citizens of Wayne county on the subject of Temperance.

Which was referred to the Committee on Temperance.

Mr. Johnston of Dearborn county offered the following resolution :

*Resolved*, That the Committee on Fees and Salaries be, and are hereby requested to report a bill to this House at as early a day as practicable, reducing the fees of members of the Legislature, State and county officers to the lowest compensation compatible with the public interest.

Which resolution was adopted.

Mr. Miller of Vanderburgh asked for leave of absence till Monday next on account of sickness in his family.

Which was granted.

Mr. Walz offered the following resolution :

WHEREAS, Several bills for the protection of wild game have been referred to the Committee of Agriculture, and

WHEREAS, no one of the same bills so referred contains a provision prohibiting the use of hounds in chasing wild game, therefore

*Resolved*, The Committee is hereby instructed to ingraft in a bill they may report to this House, a clause prohibiting the use of hounds in chasing game.

Which resolution was not adopted.

Mr. Miller of Parke offered the following resolution : Be it

*Resolved*, That the Judiciary Committee is hereby requested to examine into the constitutionality of a law fixing stated salaries for the different county offices of the State of Indiana, grading said salaries in not less than three different grades, according to the population of the different counties, so that each county officer whether belonging to the first, second or third grade as the case may be, may receive a just and proportionate compensation for his services and labor necessarily performed, and no more, and report the same to this House at their earliest practicable convenience ; furthermore, be it resolved that if said Judiciary Committee upon due examination find that such a law as above stated would not be constitutional, then said committee are respectively requested to report to this House at some convenient time during the present session the expediency of an amendment to the Constitution of the State of Indiana fully permitting such a law.

Which was adopted.

Mr. Gossman asked for leave of absence for to-day on account of the sickness of his son.

Which was granted.

Mr. Marvin of Boone moved to take the business from the Speaker's table.

Which was so ordered.

The following bills were taken from the Speaker's desk.

Mr. Davis in the chair.

House Bill 113 introduced by Mr. Williams of Brown was read a second time.

Which, on motion of Mr. Williams of Brown, was referred to the Committee on Education.

House Bill No. 114, introduced by Mr. Cantley, was read a second time.

Which, on motion of Mr. Kennedy of Montgomery, was referred to the Committee on Corporations.

House Bill No. 115, introduced by Mr. Bence, was read a second time.

Mr. Bence moved the engrossment of the bill.

Which did not prevail.

Mr. Leeper moved to refer the same to the Committee on Rights and Privileges of the Inhabitants of the State.

It was so referred.

House Bill No. 116, introduced by Mr. Shaw, was read a second time.

Which, on motion of Mr. Crumpacker, was indefinitely postponed.

House Bill No. 117, introduced by Mr. Waterman, was read a second time.

Which, on motion of Mr. Waterman, was referred to the Committee on Judiciary.

House Bill No. 118, introduced by Mr. Trusler, was read a second time.

Which was referred to the Committee on Judiciary.

House Bill No. 119, introduced by Mr. Ramsey, was read a second time.

Which, on motion of Mr. Collins, was referred to the Committee on Fees and Salaries.

House Bill No. 120, introduced by Mr. Favorite, was read a second time.

Which was, on motion of Mr. Favorite, referred to the Committee on Rights and Privileges of the Inhabitants of the State.

House Bill No. 121, introduced by Mr. Snyder, was read a second time.

Which, on motion of Mr. Snyder, was referred to the Committee on Judiciary.

House Bill No. 122, introduced by Mr. Kennedy of Montgomery, was read a second time.

Which, on motion of Mr. Kennedy of Montgomery, was referred to the Committee on Judiciary.

House Bill No. 123, introduced by M. Burson, was read a second time.

Which, on motion of Mr. Burson, was referred to the Committee on Judiciary.

House Bill No. 124, introduced by Mr. Burson, was read a second time.

Which, on motion of Mr. Burson, was referred to the Committee on Judiciary.



House Bill No. 125, introduced by Mr. Burson, was read a second time.

Which was referred to the Committee on Education.

House Bill No. 126, introduced by Mr. Reeder, was read a second time.

Which, on motion of Mr. Reeder, was referred to the Committee on Rights and Privileges.

House Bill No. 127, introduced by Mr. Reddick, was read a second time.

Which, on motion of Mr. Reeder, was referred to the Committee on Rights and Privileges.

House Bill No. 128, introduced by Mr. Taylor of Tipton, was read a second time.

Which, on motion of Mr. Forkner, was referred to the Committee on Banks.

House Bill No. 129, introduced by Mr. Havens, was read a second time.

Which, on motion of Mr. Woody, was referred to the Committee on Insurance.

House Bill No. 130, introduced by Mr. Cantley, was read a second time.

Which, on motion of Mr. Cantley, was referred to the Committee on Judiciary.

House Bill No. 131, introduced by Mr. Kennedy of Marion, was read a second time.

Which, on motion of Mr. Kennedy of Marion, was referred to the Committee on Temperance.

House Bill No. 132, introduced by Mr. Morgan, was read a second time.

Which, on motion of Mr. Morgan, was referred to the Committee on Rights and Privileges.

House Bill No. 133, introduced by Mr. Horn, was read a second time.

Which, on motion of Mr. Horn, was referred to the Committee on County and Township Business.

House Bill No. 134, introduced by Mr. Collins, was read a second time.

Which, on motion of Mr. Collins, was referred to the Committee on County and Township Business.

House Bill No. 135, introduced by Mr. Pate, was read a second time.

Which, on motion of Mr. Pate, was referred to the Committee on Ways and Means.

House Bill No. 136, introduced by Mr. Kennedy of Marion, was read a second time.

Which, on motion of Mr. Kennedy of Marion, was referred to the Committee on Judiciary.

Joint Resolution No. 3, introduced by Mr. Lanham, was read a second time and ordered to be engrossed.

Joint resolution No. 4, offered by Mr. Romine, was read a second time.

Which, on motion of Mr. Romine, was referred to the Committee on Federal Relations.

Senate Joint Resolution No. 14, to make temporary provision for public printing, was on motion of Mr. Davis, referred to the Committee on Printing.

Mr. Evans asked for leave of absence till Monday on account of business.

Which was granted.

Mr. Havens introduced

House Bill No. 141. An act defining the law of libel, declaring a penalty for violation thereof and declaring an emergency.

Which was read a first time.

Leave of absence was asked for and granted to Mr. Pfafflin until Monday on account of important business.

Mr. Forkner presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Lanham offered the following resolution :

*Resolved*, That the Committee on Fees and Salaries be requested to prepare a bill providing that the members of the General Assembly shall provide themselves with all the stationery used by them in the discharge of their official duties and be allowed in lieu thereof a reasonable compensation out of the State Treasury.

Which was laid on the table.

Mr. Edwards introduced

House Bill No. 142. An act repealing "An act authorizing aid to Railroad Companies," approved May 12, 1869.

Which was read a first time.

Mr. Marvin of Boone, reported that the committees comprising the third group, had elected Thomas S. Briscoe as clerk thereof.

Mr. Marvin of Boone, asked for leave of absence for Mr. Caldwell till Monday.

Which was granted

Mr. Kennedy of Marion, offered the following resolution :

*Resolved*, That the Judiciary Committee of the House be, and are hereby authorized to inquire into the power of the present General Assembly to amend the law of 1872, making the unjust apportionment of the Representative and Congressional Districts of the State, whereby fifteen thousand voters of Indiana are disfranchised and report their opinion to the House immediately.

Which was adopted.

Mr. Gilbert introduced

House Bill No. 143. An act to amend an act entitled "An act to create a State Normal School, adding a supplemental section, and providing for certain appropriation, and declaring an emergency."

Which was read a first time.

Mr. Smith offered the following resolution :

*Resolved*, That the Committee on Temperance be, and are hereby instructed to embrace a local option clause in any or all bills that they may prepare for the regulation of the sale of intoxicating liquors.

Which was laid on the table.

Mr. Davis moved to reconsider the vote taken on the tabling of the resolution.

Which prevailed.

Whereupon Messrs Forkner and Clark demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Arnold, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Collins, Davisson, Davis, Edwards, Emerson, Evans, Gilbert, Harris of Madison, Havens, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Law, Leeper, Martin

of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburg, Montgomery, McCord, McMichael, Nash, Osborn, Pate, Pyeatt, Pfafflin, Ramsey, Reddick, Reno, Romine, Shaffer, Shaw, Snyder, Taylor of Davies, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—57.

*Those who voted in the negative were,*

Messrs. Anderson, Barney, Charters, Clark, Crumpacker, Dale, Darnall, Favorite, Forkner, Fulk, Harper, Harris of Wayne, Heighway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Morgan, McFadden, Ratliff, Ragan, Reeder, Ribble, Roseberry, Shortridge, Smith, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—34.

So the resolution was ordered to lie on the table.

Mr Heller introduced

House Bill No. 144. An act prescribing the qualifications of physicians and surgeons, declaring who may practice medicine and surgery, who may compound and dispense medicine by prescription, regulating the sale of patent medicine, prescribing penalties, and declaring an emergency.

Which was read a first time.

Mr. Martin of Wells introduced

House Bill No. 145. An act providing for the reimbursement to the county of Adams of certain illegal taxes assessed and collected from Adams county.

Which was read a first time.

Mr. Bence introduced

House Bill No. 146. An act to amend section twenty-two of an act entitled "An act for the incorporation of towns defining their

powers providing for the election of officers thereof, and declaring their duties," approved June 11, 1852.

Which was read a first time.

Mr. Ratliff introduced

House Bill No. 147. A bill to amend an act entitled "An act regulating the granting of divorces, nullification of marriages and decrees and orders of courts incident thereto and repealing all laws conflicting with this act and declaring an emergency," approved March 10, 1873 and providing that parties in divorce suits may in certain cases be witnesses.

Which was read a first time.

The Speaker laid before the House the following communication from the Auditor of State:

STATE OF INDIANA,  
OFFICE OF AUDITOR OF STATE,  
INDIANAPOLIS, January 15, 1875.

HON. DAVID TURPIE,

*Speaker of the House of Representatives:*

SIR:—In response to a resolution of the House passed on the 14th inst., asking for a list of the employes of the last House of Representatives the amounts paid, positions filled, etc.

Allow me to inform you that the information desired may be obtained from House Journal of 1873, pages 958, 959, 960 and 961.

I have the honor to be

Very respectfully,

JAMES A. WILDMAN,

Auditor.

Mr. Kennedy of Morgan, offered the following resolution :

*Resolved*, That the Committee on Judiciary be requested to draft a bill and present to this House at earliest convenience, amending the "Mechanics' Lien Law" so as to, as nearly as possible, apply to all classes of labor.

Which was adopted.

Mr. Twibill introduced

House Bill No. 148. An act to amend section eight of an act entitled "An act regulating the granting of divorces, nullification of marriages and decrees and orders of courts incident thereto and repealing all laws conflicting with the same," approved March 10, 1873.

Which was read a first time.

Mr. Dale, from the special committee in relation to the employes of the House made the following report :

The committee to whom was referred the resolution of inquiry regarding the number and pay of employes of this House ask leave to make the following report :

Upon making the necessary inquiry of the Clerk and Doorkeeper and ascertaining of them the number at present holding positions by appointment under them, and comparing them with the number allowed by law, acts of the special session entitled "An act in relation to the organization of the two Houses; prescribing their duties," etc., we find that there is one more Engrossing and one more Enrolling Clerk now holding positions by appointment than said above entitled act allows. We, therefore, recommend that the services of the two above named employes be dispensed with, the Clerk consenting thereto. We find further, on examination, that there is one fireman holding a position that is not provided for by law, his duties being performed by the Second and Third Assistant Doorkeepers, as prescribed by law. We recommend its being discontinued. We further find a cloak room employe in the list that the law does not provide for, and also one more page. We recom-

mend that all supernumeraries not provided for by law be discontinued, if in the judgment of the House their services can be dispensed with without detriment to the business connected therewith.

We call the attention of the House to the fact that a saving to the State of about twelve hundred dollars would result from a carrying out of the above recommendations.

In regard to the pay your committee make no recommendations, that being fixed by law. We beg leave, however, to call the attention of the House to the message of the Governor on this point, deeming it terse and timely.

All of which is respectfully submitted.

H. DALE,  
JOS. GILBERT,  
J. A. CANTLEY.

The report was concurred in.

Mr. Shortridge presented the following resolution :

*To the House of Representatives of Indiana :*

*Be it Resolved by the House, the Senate concurring,* That an additional or special Clerk or Secretary be elected by the Committee on Judiciary and the Committee on Ways and Means, and that such Clerks be allowed the sum of two dollars per day to date from the 7th of January, 1875.

Which was, on motion of Mr. Crumpacker, ordered to lie on the table.

Mr. Willett asked for leave of absence for Mr. Waterman till Monday next at 2 o'clock p. m., on account of important business.

Which was granted.

Mr. Brown moved to adjourn till 10 a. m. Monday next.



Mr. Clark amended by making the hour 2 o'clock p. m. on next Monday.

Which motion did not prevail.

And on motion of Mr. Martin of Wells, the House adjourned till nine o'clock to-morrow morning.

DAVID TURPIE,  
Speaker.

## SATURDAY MORNING.

JANUARY 15, 1875, 9 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

The Journal of yesterday was read in full and approved.

Mr. Davis asked for leave of absence for Mr. Burson until next Monday on account of sickness.

Which was granted.

Mr. Woody asked for and obtained leave of absence till Monday next for Mr. Charters.

Mr. Harris of Madison asked for absence for Mr. Henderson till Monday next on account of ill health.

Which leave was granted.

Mr. Trusler moved that House Bill No. 118 which was referred yesterday to the Committee on Judiciary be referred to the Committee on Education instead.

It was so ordered.

Mr. Collins, from the Committee on Insurance, submitted the following report :

MR. SPEAKER :

The Committee on Insurance, to whom was referred House Bill No. 129 entitled "An act to amend an act entitled an act to incorporate the Indiana Fire and Marine Insurance Company," have had the same under consideration and have instructed me to report the same back to the House, recommending that the bill do pass January 16th, 1875.

Which report was concurred in.

House bill No. 129, introduced by Mr. Havens, was reported back by the Committee on Insurance, with the recommendation that the bill pass.

It was read a second time and ordered to be engrossed.

Mr. Kennedy of Montgomery, moved that when the House adjourn it be until Monday next at 2 o'clock, p. m.

Which motion prevailed.

The Speaker then called the counties for the introduction of bills and resolutions.

Mr. Williams of Brown, introduced

House Bill No. 149. Amending Section 1 of an act for the protection of fish, approved March 9, 1867, with an emergency.

Which was read a first time.

Mr. Johnson of Carroll, offered the following resolution :

*Resolved*, That the Committee on Education be instructed to inquire into the expediency of amending Section 8 of an act in the School law, approved March 8, 1873, so as to make it the duty of

the State Board of Education to choose such text books as shall be used in the common schools of the State of Indiana.

Which was laid on the table.

Mr. Bence introduced

House Bill No. 150. An act establishing county courts and providing for the election and compensation of judges thereof, abolishing boards of commissioners and transferring the business thereof, and for transferring probate matters of circuit courts to said county courts.

Which was read a first time.

Mr. Davis presented the petition of the county officers of Floyd county, and also a memorial from Mr. Newland, on the subject of the abolition of the criminal court of Floyd and Clarke counties.

Which were referred to the Committee on Organization of Courts of Justice.

Mr. Clarke offered the following resolution :

*Resolved*, That smoking be entirely forbidden in this Hall, both during session and recess times, of the present Legislature ; and that the Doorkeeper be directed to see that this order is strictly complied with.

Which was adopted.

Mr. Ramsey introduced

House Bill No. 151. An act concerning interest on money, and to provide for recoupment of usurious interest.

Which was read a first time.

Mr. Ramsey introduced

House Bill No. 152. An act regulating the fees of officers and declaring an emergency.

Which was read a first time.

Mr. Ragan presented a petition from the citizens of Hendricks county on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Woody introduced the following joint resolutions :

A joint resolution agreeing to and adopting amendments proposed to the Constitution of the State by the last General Assembly by the following changes and additions :

Amending article two section two, by striking out section five of article two ; amending section four of article four ; amending section two of article seven, amending by striking out all of the sections of article thirteen and inserting in lieu thereof section one ; amending article seven by adding thereto section twenty-two : WHEREAS, The last General Assembly at the regular session thereof passed, adopted and agreed to the following joint resolution, to wit : A joint resolution proposing amendments to the Constitution of the State of Indiana by amending article two section two ; by striking out section five, article two ; amending section four of article four ; amending section five of article four ; amending section two of article seven ; amend by striking out all of the sections in article thirteen, and inserting in lieu thereof section one, and amending further by adding to article seven section twenty-two.

*Be it resolved by the General Assembly of the State of Indiana,* That the following amendments to the Constitution of the State of Indiana be submitted to the people of this State for their adoption or rejection. *Provided,* The same shall be agreed to by a majority of all the members elected to each house of the General Assembly of this State, to be chosen at the next general election. Said amendments to consist of the following additions and changes of the afore-said articles and sections of articles of the Constitution of the State of Indiana, in the following language :

SEC. 2. Amend article two section two to read as follows : Section two. In all elections not otherwise provided for by the Constitution every male citizen of the United States of the age of twenty-one years and upwards who shall have resided in the State during the twelve months, and in the county three months immedi-

ately preceding such election, and every male of foreign birth of the age of twenty-one years and upwards who shall have resided in the United States one or more years, and shall have resided in the State during the twelve months and in the county three months immediately preceding such election, and shall have declared his intentions to become a citizen of the United States conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote in the township or precinct where he shall have resided for the thirty days immediately preceding such election.

SEC. 3. Amend by striking out section five of article two.

SEC. 4. Amend section four of article four by striking out of the same the word "white."

SEC. 5. Amend section five of article four by striking out of the same the word "white."

SEC. 6. Amend section two of article seven, to read as follows :  
 "Sec. 2. The Supreme Court shall consist of not less than five nor more than seven judges, a majority of whom shall form a quorum. They shall hold their offices for six years if they so long behave well; *Provided*, That the judges elected at the first election after the taking effect of this amendment, shall be divided by lot into three classes as nearly as may be. The fraction to be in the last class, and the seats of the first class shall be vacated at the expiration of two years; those of the second class at the expiration of four years, and those of the third class at the expiration of six years, so that one-third as nearly as practicable, shall be chosen biennially forever thereafter.

SEC. 7. Amend by striking out all of the sections in article thirteen and inserting in lieu thereof the following : "Section one. No political or municipal corporation in this State shall ever become indebted in any manner or for any purpose, to an amount in the aggregate exceeding five per centum on the value of the taxable property within such corporation, to be ascertained by the last assessment for State or county purposes previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount given by such corporations shall be void.

SEC. 8. Amend further by adding the following section to article seven, section twenty-two: The election for judicial officers may be provided for by the General Assembly to take place at such time when no other election is pending. *Resolved further*, That the foregoing Joint Resolution be, and the same is, hereby referred to the General Assembly of this State, to be chosen at the general election to be held on the second Tuesday in October, in the year of our Lord one thousand eight hundred and seventy-four. Now be it

*Resolved by the General Assembly of the State of Indiana*, That the said amendments proposed to the Constitution of the State of Indiana contained in said Joint Resolution, passed by the last General Assembly, as aforesaid and hereinbefore recited be, and the same is hereby agreed to and adopted by this General Assembly, and that the said amendments shall be submitted to the electors of the States for ratification or rejection at an election to be called for that purpose, in pursuance of such an act of the General Assembly as may hereafter be passed, providing for such submission, and if no time is designated by this General Assembly there shall be submitted to the people at the next general election, to be held on the second Tuesday of October in the year of our Lord one thousand eight hundred and seventy-six.

Which was read a first time.

Mr. Smith introduced

House Bill No. 153. An act to legalize the acts of the town of Portland in Jay county, etc.

Which was read a first time.

Mr. Keightly introduced

House Bill No. 154. An act empowering the Auditor of State to correct errors heretofore made by that officer in selling and conveying lands forfeited to the Sinking Fund by making proper deeds therefor declaring the effect of such deeds and for other purposes.

Which was read a first time.

Mr. Kennedy of Montgomery, introduced

House Bill No. 155. An act concerning the granting of new trials and providing that Jurors may be examined under oath touching any alleged misconduct of the Jury.

Which was read a first time.

Mr. Kennedy of Morgan introduced

House Bill No. 156. An act defining certain crimes declaring the commission of abortion a felony, prescribing punishment therefore and repealing conflicting act declaring an emergency.

Which was read a first time.

Mr. Reeder introduced

House Bill No. 157. A bill to provide for the improvement of public highways.

Which was read a first time.

Mr. Anderson presented a petition from citizens of Vigo county on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Taylor of Tipton introduced

House Bill No. 158. An act to amend an act entitled "An act to encourage the construction of levees, dykes, drains, and ditches," etc.

Which was read a first time.

Mr. Havens introduced

House Bill No. 159. An act to repeal section two of an act, entitled "An act defining misdemeanors and prescribing a punishment therefor, and providing an emergency."

Which was read a first time.

Mr. Ratliff introduced

House Bill No. 160. A bill requiring County Auditor's to publish county expenses.

Which was read a first time.

Mr. Martin of Well, presented the following resolution :

*Resolved, by the House of Representatives of the General Assembly of the State of Indiana, That the reporter of the Supreme Court of this State be, and hereby is requested to report to this House the whole number of copies of the reports of said Court sold by him since he has held the office of reporter, the amount of such sales, and the net cost of printing and binding the same.*

Which was adopted.

Mr. Washburn presented a petition on the subject of fees and salaries.

Which was referred to the Committee on Fees and Salaries.

Mr. Heller presented the claim of D. W. Rowland for \$100 for extra services as Enrolling Clerk for the session of 1873.

Which was referred to the Committee on Claims.

Mr. Heller presented the following resolution :

*Resolved, That the Principal Clerk be directed to comply with section thirteen of an act approved December 23, 1872, prescribing and regulating the duties of officers.*

Which was adopted.

Mr. Forkner introduced

House Bill No. 161. A bill to remove from married women all disabilities to contract; authorizing her to sue and be sued, and defining their liabilities on their contract.

Which was read a first time.



House Bill No. 138, introduced by Mr. Leeper, was read a second time.

Which was referred to the Committee on Agriculture.

House Bill No. 139, introduced by Mr. Havens, was read a second time.

Which, on motion of Mr. Havens, was referred to the Committee on Judiciary.

House Bill No. 140, introduced by Mr. Darnall, was read a second time.

Which, on motion of Mr. Darnall, was referred to the Committee on Cities and Towns.

House Bill No. 141, introduced by Mr. Havens, was read a second time.

Which, on motion of Mr. Havens, was referred to the Committee on Judiciary.

House Bill No. 142, introduced by Mr. Edwards, was read a second time.

Which, on motion of Mr. Morgan, was referred to the Committee on Railroads.

House Bill No. 143, introduced by Mr. Gilbert, was read a second time.

Which, on motion of Mr. Lanham, was referred to the Committee on Education.

House Bill No. 144, introduced by Mr. Heller, was read a second time.

Which, on motion of Mr. Heller, was referred to the Committee on Benevolent and Scientific Institutions.

House Bill No. 145, introduced by Mr. Martin of Wells, was read a second time.

Which, on motion of Mr. Favorite, was referred to the Committee on Corporations.

House Bill No. 146, introduced by Mr. Bence, was read a second time.

Which, on motion of Mr. Bence, was referred to the Committee on Cities and Towns.

House Bill No. 147, introduced by Mr. Ratliff, was read a second time.

Which, on motion of Mr. Ratliff, was referred to the Committee on Judiciary.

House Bill No. 148, introduced by Mr. Twibill, was read a second time.

Which, on motion of Mr. Lanham, was referred to the Committee on Judiciary.

Mr. Gossman introduced the following resolution :

*Resolved, By the House of Representatives of the State of Indiana,* That the Committee on Swamp Lands are hereby instructed to examine and investigate the records, as to the amount of money heretofore appropriated to each county and the amount expended by each county, and report the amount unexpended by the several counties and report as early as possible.

Which was adopted.

The Speaker presented the following communication from the State Librarian :

STATE LIBRARY, January 16, 1875.

*Hon. Speaker of the House :*

SIR :—I beg leave to present to the House of Representatives the following communication :

By section 3 of an act approved February 19, 1867, the State Librarian is required to employ the fireman in charge of the furnace and wood-yard, and by section 6 of previous acts is required to keep fires in the Legislative Halls four days prior to the commencement of each session. The three furnaces in cellar being entirely unfit to heat the halls I have caused them all to be thrown out, and in lieu thereof have introduced base burners in the lobbies and committee rooms. In order to comply with the spirit of the law and to insure success in so radical a change I employed two skilled firemen who should have sole charge of the stoves, one in the Senate and one in the House, and who together should bring the coal up from the cellar with the windlass.

The stoves under their charge have proved a success beyond question, but section 1 of an act approved December 23, 1872, provides that the two Assistant Doorkeepers shall act as firemen of the lobby stoves. Now, as the Doorkeepers have become familiar with their places and duties, if it be the wish of the House, I will withdraw my employes ; if not, I desire they shall authorize his retention. If he is dismissed, of course my direct jurisdiction over the stoves will cease.

Respectfully submitted,

SARAH A. OREN,

State Librarian.

Which was referred to the select committee, (consisting of Messrs. Dale, Gilbert and Cantley), heretofore appointed on this subject.

When, on motion of Mr. Heller, the House adjourned till Monday next at 2 o'clock p. m.

DAVID TURPIE,

Speaker.

## MONDAY AFTERNOON.

JANUARY 18, 1875, 2 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

The journal of Saturday was read and approved.

Mr. Caldwell, of the Ways and Means Committee, submitted the following report :

MR. SPEAKER :

The Committee of Ways and Means, to whom was referred House Resolution No. 22, inquiring into the expediency of providing by law for the exemption from seizure and sale for taxes three hundred dollars worth of property to the head of each family or household, have had the same under consideration and have directed me to report it back with the recommendation that it lie on the table.

Which was concurred in.

Mr. Caldwell, from the Committee on Ways and Means, submitted the following report :

*To the Hon. David Turpie, Speaker of the House of Representatives :*

The Chairman of the Committee of Ways and Means, Education, Claims, Railroads, Reformatory Institutions, and Federal Relations, have selected Mr. Richard J. Durkan as their Clerk.

Which report was concurred in.

Mr. Collins asked for leave of absence for Mr. Megenity until to-morrow morning at 9 o'clock on account of sickness.

Which was granted.

Mr. Kennedy of Morgan, asked for leave of absence for Mr. Shortridge until to-morrow on account of sickness.

Which was granted.

Leave of absence was granted to Mr. Havens until to-morrow morning on account of sickness.

Mr. Williams, of the Committee on County and Township Business, made the following report :

MR. SPEAKER :

The Committee on County and Township Business, to whom was referred House Bill No. 44, beg leave to report the same back to the House with the recommendation that it pass.

House Bill No. 44, introduced by Mr. Darnall, having been reported back by the Committee on County and Township Business with the recommendation that it pass.

The report was concurred in, and the bill ordered to be engrossed.

Leave of absence was asked for and granted to Mr. Wynn until to-morrow.

The Speaker called the counties for the introduction of bills, resolutions, etc.

Mr. Heller offered the following resolution .

*Resolved*, That the Judiciary Committee be, and are hereby instructed to report to this House at as early a day as possible, a bill amendatory to an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," passed by the last General Assembly. In which bill drawn by said committee will be the substitution of a clause for the annual payment of taxes in place of semi-annual. In which bill will be authority to empower township Trustees to act as Assessors; also, to empower Township Trustees to act as Collectors for their respective township at a less per centage than is now allowed the

County Treasurer, and in which bill will be an amendatory clause providing for the assessment of property every six years.

Which was referred to the Committee on Judiciary.

Mr. Heller introduced

House Bill No. 162. An act to raise revenue for State purposes for the years Eighteen Hundred and Seventy-five and Eighteen Hundred and Seventy-six.

Which was read a first time.

Mr. Horn was excused for his absence on Saturday last.

Mr. Williams of Brown, presented the petition of two thousand citizens of Bartholomew county, on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Marvin of Boone, presented three petitions from citizens of Boone county, on the subject of temperance.

Which were referred to the Committee on Temperance.

Mr. Taylor of Daviess, offered the following resolution :

WHEREAS, The Brevier Reports, published by A. & W. H. Drapier, are not official documents, therefore,

*Resolved*, That this House will not appropriate money out of the public funds to pay for their further publication.

Which was adopted.

Mr. Smith presented a petition from citizens of Delaware county, on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Davis presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Davis presented a petition from Peter W. Walker et al., on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Davis presented a petition from H. C. Carroll et al., on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Montgomery introduced

House Bill No. 163. An act entitled "An act to amend section six, of an act approved March 5, 1859, and December 20, 1865."

Which was read a first time.

Mr. Morgan presented a petition on the subject of Temperance.

Which was referred to the Committee on Temperance.

Mr. Forkner introduced

House Bill No. 164. An act to amend section seventy-four of "An act to revise, simplify and abridge the rules, practice pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of Justices in a uniform mode of pleadings and practice without distinction between law and equity," approved June 18, 1852.

Which was read a first time.

Mr. Forkner introduced

House Bill No. 165. A bill to amend sections thirty-one and thirty-five of an act for the corporation of towns, defining their powers and providing for the election of officers thereof and declaring their duties, approved June 11, 1852.

Which was read a first time.

Mr. Forkner presented a petition from citizens of Henry county on the subject of Temperance.

Which was referred to the Committee on Temperance.

Mr. Darnall offered the following resolution :

*Resolved*, That whereas, there are many townships in Indiana in which no graded school has been established, and the citizens of such townships are put to great inconvenience in educating their children, when advanced beyond the ordinary common school branches of education ; therefore, the Committee on Education be instructed to inquire into the expediency of so amending section thirteen of chapter twenty-four of an act approved March 8, 1873, so as to require Township Trustees in such townships, to employ in any district of such township, upon the application of two or more legal voters, a teacher to teach the common school of such district, who shall be able to teach other and higher branches of education than are required by law in common schools of this State, if practicable for the Township Trustee to do so at a reasonable price, and report by bill or otherwise.

Which was referred to the Committee on Education.

The Concurrent Resolution introduced by Mr. Fulk, on the subject of the appointment of a Joint Committee on Claims, was taken from the table, and was not adopted.

Mr. McFadden offered the following resolution :

WHEREAS, At the last assessment the real property of the State was appraised far above what is now its cash value, and is therefore bearing more than its proportional part of the burthens of taxation, and it would be an act of injustice to the owners of real property to allow such assessment to remain for a term of five or six years ; therefore be it

*Resolved*, That the Committee on County and Township Business are hereby instructed to report a bill providing for the assessment of the real property of the State in the year eighteen hundred and seventy-five, and every six years thereafter.

Which was adopted.



Mr. Evans presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Lanham presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Williams of Lawrence offered the following resolution :

WHEREAS, It is stated in the public journals that the fees and emoluments of the Auditor of State amount to many thousands of dollars each year ; that his fees growing out of the transactions of his office with Insurance Companies doing business in this State alone amount to not less than fifteen thousand dollars per annum ; and

WHEREAS, Such fees and emoluments are unreasonably large, a possible source of corruption against public policy, and unjust to the overburdened tax payers of the State, therefore,

*Resolved*, That the Committee on Fees and Salaries be, and they are hereby instructed to ascertain the amount of fees and salary now received by the State Auditor, and if such fees and salary amount in the aggregate to more than four thousand dollars per annum, to report a bill to this House without delay, providing for the payment into the Treasury of the State all such fees and salary in excess of said sum of four thousand dollars per year.

Which was adopted.

Mr. Williams of Lawrence, introduced

House Bill No. 166. A bill defining certain misdemeanors and providing penalties therefor.

Which was read a first time.

Mr. Hopkins introduced

House Bill No. 167. An act to create a State University system.

Which was read a first time.

Mr. Hopkins introduced

House Bill No. 168. An act to authorize the State Board of Education to dismiss County Superintendents in certain cases.

Which was read a first time.

Mr. Hopkins introduced

House Bill No. 169. An act making certain appropriations therein described.

Which was read a first time.

Mr. Thompson of Marion county, presented a petition from citizens of Marion county, on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Kennedy of Marion, offered the following resolution :

*Resolved*, That the Committee on Benevolent Institutions be, and are hereby directed to inquire into the practicability of leasing the following described property belonging to the State of Indiana: About twenty acres off the south end of the east half of the west half of the southeast quarter, section six, township fifteen, range four ; and all that part of the west half of the northwest quarter of section seven, township fifteen, range four, lying south of the Michigan Road, containing about thirty acres, and being the tract heretofore used for farming purposes and no buildings on the same.

Which was adopted.

Mr. Keightly presented a petition from citizens of Marion county on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Hopkins presented a petition from laborers and mechanics of Indianapolis.

Which was referred to the Committee on Judiciary, to accompany House Bill No. 136.

Mr. Kennedy of Marion, introduced

House Bill No. 170. An act to amend "An act regulating prosecutions in cases of bastardy,"

Which was read a first time.

Mr. Snyder presented a petition from citizens of Marshall county on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Snyder introduced

House Bill No. 171. An act to amend the seventieth section of an act entitled "An act providing for the election and qualifications of Justices of the Peace and defining their jurisdiction, powers and duties in civil cases," and declaring an emergency.

Which was read a first time.

Mr. Kennedy of Montgomery, presented a petition from citizens of Montgomery county, on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Willett presented a petition from citizens of Noble county, on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Roseberry presented the petition of citizens of Monroe county, on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Burson introduced

House Bill No. 172. An act to legalize dissections of human beings.

Which was read a first time.

Mr. Henderson introduced

House Bill No. 173. An act making an appropriation to pay the sufferers by the Morgan Raid.

Which was read a first time, and laid on the table.

Mr. Brown of Rush, presented the petition of citizens of Rush county, on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Keightly presented a petition from citizens of Shelby county on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Leeper presented the following resolution:

*Resolved*, That the Doorkeeper be directed to distribute the five thousand copies of the Governor's Message ordered to be printed equally among the members of this House.

Which was adopted.

Mr. Taylor of Tipton, presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Jackson presented a petition from citizens of Vermillion county on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Gilbert presented a petition from citizens of Vigo and Parke counties on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Dale offered the following resolution:

*Resolved*, That the Committee on Agriculture be instructed to inquire into the expediency of so amending the act to discourage the

keeping of useless and sheep-killing dogs, etc., approved March 11, 1861, so as to double the tax on dogs as set forth in section 2 of said act in order that a sufficient amount of money may be raised to pay the owner of sheep killed by dogs the full value of such sheep ; and further, that said Committee be instructed to inquire into the expediency of so amending section 5th of the above entitled act so as to compel Township Trustees in paying for sheep killed to estimate the damages according to the value of the sheep killed, and make the award accordingly, and to report by bill or otherwise.

Which was adopted.

Mr. Shaffer presented a petition from citizens of Huntington county on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Lincoln presented a petition from citizens of Warren county on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Collins presented two petitions on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Martin of Wells presented a petition of citizens of Wells county on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Caldwell presented the following resolution :

*Resolved*, That the members of this House of Representatives of the State of Indiana meet in the Hall of the House on Tuesday the 19th day of January, A. D., 1875, at 2:30 p. m., for the purpose of voting for a United State Senator and that the Senate be informed of the passage of this resolution.

Which was adopted.

Mr. Caldwell demanded a call of the House.

*Those who answered to their names were,*

Messrs. Ames, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Charters, Clark, Collins, Crumpacker, Dale, Darnall, Davisson, Davis, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Gossman, Harper, Harris of Madison, Harris of Wayne, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Osborn, Pate, Peyeatt, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Smith, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr. Speaker—83.

Joint resolution No. 3, introduced by Mr. Lanham, being placed upon its passage the same was adopted. Ayes 83, noes, none.

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Charters, Clark, Collins, Crumpacker, Dale, Darnall, Davisson, Davis, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Gossman, Harper, Harris of Madison, Harris of Wayne, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Miller of Parke, Montgomery, Morgan, McCord, McFadden, McMichael, Osborn, Pate, Peyeatt, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of

Marion, Trusler, Twibill, Waltz, Washburn, Willett, Williams of Brown, Williams of Lawrence, Woody and Mr. Speaker—83.

Those who voted in the negative were—none.

Engrossed House Bill No. 129, introduced by Mr. Havens, was read a third time.

Which, on motion of Mr. McMichaels, was ordered to lie on the table and that one hundred copies be printed.

House Bill No. 149, introduced by Mr. Williams of Brown, was read a second time.

Which, on motion of Mr. Williams of Brown, was referred to the Committee on Rights and Privileges.

House Bill No. 150, introduced by Mr. Bence, was read a second time.

Which, on motion of Mr. Bence, was referred to the Committee on Judiciary.

House Bill No. 151, introduced by Mr. Ramsey, was read a second time.

Which, on motion of Mr. Ramsey, was referred to the Committee on Rights and Privileges.

House Bill No. 152, introduced by Mr. Ramsey, was read a second time.

Which, on motion of Mr. Ramsey, was referred to the Committee on Fees and Salaries.

House Bill No. 153, introduced by Mr. Smith, was read a second time.

Which, on motion of Mr. Smith, was referred to the Committee on Corporations.

House Bill No. 154, introduced by Mr. Keightly, was read a second time.

Which, on motion of Mr. Keightly, was referred to the Committee on Judiciary.

House Bill No. 155, introduced by Mr. Kennedy of Montgomery, was read a second time.

Which, on motion of Mr. Kennedy of Montgomery, was referred to the Committee on Judiciary.

House Bill No. 156, introduced by Mr. Kennedy of Morgan, was read a second time.

Which, on motion of Mr. Darnall, was referred to the Committee on Rights and Privileges.

House Bill No. 157, introduced by Mr. Reeder, was read a second time.

Which, on motion of Mr. Reeder, was referred to the Committee on Roads.

House Bill No. 158, introduced by Mr. Taylor of Tipton, was read a second time.

Which, on motion of Mr. Taylor of Tipton, was referred to the Committee on Dykes and Drains.

House Bill No. 159, introduced by Mr. Havens, was read a second time.

Which, on motion of Mr. Darnall, was referred to the Committee on Judiciary.

House Bill No. 160, introduced by Mr. Ratliff, was read a second time.

Which, on motion of Mr. Crumpacker, was referred to the Committee on County and Township Business.



House Bill No. 161, introduced by Mr. Forkner, was read a second time.

Which, on motion of Mr. Forkner, was referred to the Committee on Judiciary.

Joint Resolution No. 5, introduced by Mr. Woody, was read a second time.

Which, on motion of Mr. Heller, was referred to the Committee on Judiciary.

The Speaker laid before the House the following communication from the Attorney General:

OFFICE OF THE ATTORNEY GENERAL,

January 16, 1875.

*Gentlemen of the House of Representatives:*

I have the honor to acknowledge the receipt of a copy of a resolution of January 14, 1875, in which I am requested to lay before your honorable body all the facts in my possession "with reference to the claim of the State of Indiana against the Terre Haute and Indianapolis Railroad Company, and the present condition thereof."

There is an action pending in the Circuit Court of Owen county entitled, "The State of Indiana on the relation of John C. Robinson, Prosecuting Attorney, vs. The Terre Haute and Indianapolis Railroad Company."

This action is for the purpose of having the defendants' charter declared forfeited, on the ground mainly that the defendant has not complied with the conditions of her charter in the payment of moneys to the State, accrued as a part of the net earnings of the road, and upon divers other grounds. This action has been pending several years. In August, 1874, the cause was placed at issue and tried before a jury. The jury failed to agree.

At the ensuing October term, 1874, of the Owen Circuit Court,

an agreement was made relative to the matter between the defendant by her President and attorneys and the State by Hon. J. C. Denny, Attorney General, approved by the Governor and Lieutenant Governor, under the provisions of Joint Resolution No. 16 of the General Assembly, approved March 10, 1873.

The State of Indiana ex rel. John C. Robinson, Prosecuting Attorney, etc. vs. The Terre Haute and Indianapolis Railroad Company.

In the Owen Circuit Court, October term, 1874.

The parties to the above cause make the following agreement:

The defendant agrees, by her attorneys and officers, to at any time enter their appearance to an action to be instituted by the plaintiff, the State of Indiana, in the Superior Court of Marion county, for the recovery of any money which may be due to the State or the School Fund of the State of Indiana, under and by virtue of the said Company's charter of January 26, 1847, and the amendments thereto. In consideration of which said agreement, the plaintiff, by her attorney and proper officers, agree to suspend further prosecution of said action, now pending in the Owen Circuit Court, until the final determination of such action so as aforesaid to be instituted for the recovery of money, and if, in said last named action, the defendant shall prevail, then the said plaintiff agree to dismiss said suit in said Owen Circuit Court; and if the said plaintiff in the said action to be instituted for moneys shall prevail, the said action in the Owen Circuit Court shall be dismissed, only when the defendant shall have satisfied the judgment so obtained in the latter action for money; but nothing herein shall be so construed to compel the dismissal of said suit in the Owen Circuit Court until said action so to be instituted shall have been finally tried upon the issues joined between the parties, or it shall be found in framing the issues and determine by the Court that no right of action exists in favor of the State or School Fund. And it is further agreed, that the agreed statement which was prepared to be, and which was, in part, used in the trial of said cause in the Owen Circuit Court, may be used as evidence without objection so far as the same may be competent in the suit to be brought by the State against said Company.

It is further agreed that either party may withdraw the depositions on file in the Owen Circuit Court, and may read the same so

far as the same in their subject matter may be found competent, and this may be done notwithstanding any order of the Owen Circuit Court suppressing the same. *Provided*, the party so using any such depositions shall cause the same to be filed in the Court where the cause may be pending twenty days before the day for which said cause is set for trial. But this agreement shall not be construed to prevent either party from taking additional depositions of the same, or other witnesses, and it is agreed that if in making up the issues and on the trial of the said cause it can be shown under the law and the evidence that may be adduced that any money is due to the State or School Fund of the State from said old company or companies by whatsoever name or names, under and by virtue of said charter and amendments thereto, and the law and facts as applied thereto, that then and in that case the company as now organized shall pay such amount and judgment shall be rendered in such action for money for the sum that may be found due. Nothing herein contained shall be construed to prevent the defendant from setting up any defence which existed in behalf of said old company prior to the surrender of said old charter.

JAMES C. DENNY,

Attorney-General of Indiana.

TERRE HAUTE AND INDIANAPOLIS R. R. CO.,

By R. W. McKEEN, President.

R. W. THOMPSON,

C. F. McNUTT,

THOMAS R. COBB,

Attorneys for T. H. & I. Railroad Company.

INDIANAPOLIS, October 5, 1874.

This Agreement, made by the Attorney-General, with the concurrence of his associate counsel, as we understand, we approve.

THOMAS A. HENDRICKS,

Governor.

LEONIDAS SEXTON, Lieutenant-Governor.

October 5, 1874.

A complaint is now being prepared to be filed in an action against the said Railroad Company to recover whatever monies may be

owing to the School Fund of the State as contemplated in the agreement above set forth. This complaint will be ready at as early a day as possibly, and the action commenced accordingly.

To comply literally with the terms of the resolution asking me to furnish "all the facts" in my possession relative to the claims of the State in this matter would require an exceedingly voluminous report, nor do I claim it discreet to furnish information in detail as to the evidence relied upon by the State, for such information *might* give some undue advantage to the defendant.

I will comply, however, with what I deem to be the spirit of the resolution at the present time, and if your honorable body should desire more information upon any particular matter, I will furnish it hereafter, if in my possession.

By an act to incorporate the Terre Haute and Richmond Railroad Company, approved January 26, 1874, a corporation was created for the purpose of constructing a railroad from Terre Haute to Richmond, *via* Indianapolis. In consideration of certain privileges, etc., conferred by the State to the company, it was stipulated in section twenty-three of the said act, "that when the aggregate amount of dividends declared shall amount to the full sum invested and ten per centum per annum thereon, the Legislature may so regulate the tolls and the freights that not more than fifteen per centum per annum shall be divided on the capital employed, and the surplus profits, if any, after paying the expenses and receiving such proportion as may be necessary for future contingencies, shall be paid over to the Treasurer of State for the use of the common schools, etc.

This act was afterwards amended by an act approved March 6, 1865, so as to change the corporate name to the Terre Haute and Indianapolis Railroad Company.

It is claimed in behalf of the State, that the road has proven to be very profitable, and that a large amount is due from the company to the school fund, in the way of profits under section twenty-three quoted *supra*, which the company has failed and refuses to pay over.

I have a very large mass of evidence bearing upon the questions involved, in my official possession.

Very respectfully,

C. A. BUSKIRK,  
Attorney General.

Which was, on motion of Mr. Davis, referred to the Committee on Judiciary.

On motion of Mr. Kennedy, House Bill No. 30 was taken from the table.

Mr. Heller moved that it be made the special order for Friday next at 10 o'clock, a. m.

Pending which motion the House adjourned till to-morrow morning at 9 o'clock.

DAVID TURPIE,  
Speaker.

## TUESDAY MORNING,

JANUARY 19, 1875, 9 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

Opened with prayer by Rev. Dr. Naylor.

Journal of yesterday read in part, when

Mr. Heller moved that the further reading of the Journal be dispensed with.

Which motion did not prevail.

So the reading of the Journal was concluded and the same was approved.

The Speaker announced the first business in order was the consideration of House Bill No. 30, as introduced by Mr. Kennedy of Montgomery.

Which was pending at the time of adjournment yesterday.

The motion of Mr. Heller, to make it the special order for next Friday having been withdrawn.

Mr. Burson introduced the following substitute to House Bill No. 30:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any Prosecuting Attorney who shall be informed of a violation of any criminal law of the State, or who shall have reason to believe that any criminal law of the State has been violated within his circuit, shall have authority to, and shall forthwith cause a subpœna to be issued by a Justice of the Peace for any witnesses, not exceeding three, that he may have reason to believe shall know anything concerning such violation of the criminal laws of the State, and after causing such witnesses to be sworn by such Justice of the Peace, shall fully examine them touching such violation of the criminal law, and shall write their evidence in the form of depositions and cause such witnesses to subscribe the same; *Provided*, That no witnesses subpœnaed under the provisions of this act shall be compelled to attend a Justice without their township. If, after procuring such depositions, the Prosecuting Attorney shall deem the same sufficient to justify the commencement of a prosecution for such violation of the criminal law of the State, he shall forthwith file an information upon such deposition before a Justice of the Peace, who shall forthwith issue a warrant for the arrest of the person charged, and such person shall be tried before such Justice under the same laws and rules as are now provided by law for the trial and examination of crimes and misdemeanors before Justices.

SEC. 2. Whereas an emergency exists for the immediate taking effect of this act, the same is hereby declared to be in force from and after its passage.

Which substitute was not adopted.

The question being, shall the bill as originally introduced be passed?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Brown of Jasper, Charters, Clark, Crane, Crumpacker, Dale, Darnall, Davis, Edwards, Emer-

son, Favorite, Forkner, Harper, Harris of Wayne, Haynes, Heighway, Hopkins, Johnson of Carroll, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Leeper, Lincoln, Marvin of Fountain, Morgan, McFadden, Peycatt, Ragan, Reeder, Ribble, Roseberry, Shaffer, Shortridge, Smith, Taylor of Tipton, Thomas, Thompson of Marion, Twibill, Williams of Lawrence, Woody and Wynn—47.

*Those who voted in the negative were,*

Messrs. Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Collins, Davisson, Evans, Fulk, Gilbert, Gossman, Harris of Madison, Havens, Heller, Henderson, Horn, Johnston of Dearborn, Law, Martin of Franklin, Martin of Wells, Marvin of Boone, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, McCord, McMichael, Nash, Osborn, Pate, Patterson, Pfafflin, Ramsey, Reddick, Reno, Romine, Shaw, Snyder, Taylor of Daviess, Thompson of Henry, Trusler, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—48.

So the bill failed to pass.

Mr. Morgan asked leave of absence for one week for Mr. Ratliff, on account of sickness.

Which was granted.

Mr. Bence, from the Committee on Temperance, submitted the following report :

*To the Speaker of the House of Representatives :*

The Committee on Temperance, to whom was referred House Bill No. 9, report the following bill as a substitute for the same, and recommend that it pass :

An Act to regulate and license the sale of spiritous, vinous, and malt and other intoxicating liquors ; to prohibit the adulteration of liquor, to limit the license fee to be charged by cities and towns, to repeal all former laws regulating the sale of intoxicating liquors,

and all laws and parts of laws coming in conflict with the provisions of this act, and prescribing penalties for the violation thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be unlawful for any person or persons to directly or indirectly sell, barter, or give away, for any purpose of gain, any spiritous, vinous, or malt liquors in less quantities than a quart at a time, without first procuring from the Board of Commissioners of the county in which such liquor or liquors are to be sold, a license as hereafter provided; nor shall any persons without having first procured such license, sell or barter any intoxicating liquor to be drank or suffered to be drank in his house, out-house, yard, garden or the appurtenances thereto belonging.

SEC. 2. The words "intoxicating liquors," as used in this act, shall apply to any spiritous, vinous, or malt liquors, or to any intoxicating liquors whatever, which is used or may be used as a beverage.

SEC. 3. Any male inhabitant over the age of twenty-one years desiring to obtain license to sell intoxicating liquors, shall give notice to the citizens of the township, town, city, or ward, in which he desires to sell, by publishing in a weekly newspaper in the county a notice, stating in the notice the precise location of the premises in which he desires to sell, and the kind of liquors, whether only vinous and malt liquors, or malt liquors only, or spiritous, vinous and malt liquors, or vinous liquors only, at least twenty days before the meeting of the Board at which the applicant intends to apply for a license, or in case there is no such paper published in the county, then by posting up written or printed notices in three of the most public places of the township in which he desires to sell, at least twenty days before the meeting of such Board, and it shall be the privilege of any inhabitant of said township to remonstrate in writing against the granting of such license to any applicant, on account of immorality or other unfitness as is specified in this act.

SEC. 4. The Board of County Commissioners at such term shall grant a license to such applicant upon his giving bond to the State of Indiana with at least two freehold sureties resident within said county, to be approved by the County Auditor, in the sum of two



thousand dollars, conditional that he will keep an orderly and peaceable house, and that he will pay all fines and costs that may be assessed against him for any violations of the provisions of this act, which bond shall be filed with the Auditor of said county; *Provided*, Said applicant be a fit person to be intrusted with the sale of intoxicating liquors, and if he be not in the habit of becoming intoxicated, but in no case shall a license be granted to a person in the habit of becoming intoxicated: *Provided*, That no appeal taken by any person from the order of the Board granting such license shall operate to estop the person receiving such license from selling intoxicating liquors thereunder until such appeal shall have been decided adversely to the applicant for license by the Circuit Court, and he shall not be liable as a seller without license for sales made during the pendency of such appeal.

SEC. 5. If said applicant desire to sell spiritous, vinous and malt liquors in quantities of less than a quart at a timê, to be drank on the premises when sold, he shall pay to the Treasurer of said county one hundred dollars as a license fee for one year before license shall issue to him, and if he desire to sell only vinous or malt liquors in quantities less than a quart at a time, to be drank on the premises where sold, he shall pay to the Treasurer of said county fifty dollars as a license fee for one year before license shall issue to him; such fee to be applied and expended for common school purposes in the same manner in which the revenue of the common school funds are now expended.

SEC. 6. No city or incorporated town shall charge any person who may obtain a license under the provisions of this act more than the following sums for license to sell within their incorporated limits: cities may charge the sum of two hundred dollars, and incorporated towns the sum of one hundred dollars in addition to the sum provided for herein before.

SEC. 7. Upon the execution of the bond as required in the fourth section of this act, and the presentation of the order of the Board of Commissioners granting him license, and the County Treasurer's receipt for the fee of fifty dollars, if the application be for vinous and malt liquors only, or a receipt for one hundred dollars if the application be for the sale of spiritous, vinous and malt liquors as aforesaid, the County Auditor shall issue a license to the

applicant for the sale of such liquors as he applied for in less quantities than a quart at a time, with the privilege of permitting the same to be drank in the premises as stated in the aforesaid notice, which license shall specify the name of the applicant, the place of sale, and the period of time for which such license is granted.

SEC. 8. No license as herein provided shall be granted for a greater or less time than one year.

SEC. 9. A license granted under the provisions of this act shall not authorize the person so licensed to sell or barter any intoxicating, vinous or malt liquors on Sunday, nor upon the day of any State, county, township or municipal election in the township or city where the same may be holden, and upon the conviction thereof he shall be deemed guilty of a misdemeanor, and forfeit his license, and he shall be fined in any sum not less than ten nor more than fifty dollars.

SEC. 10. Every person who shall, directly or indirectly, sell, barter or give away any intoxicating vinous or malt liquors to any person who is in the habit of being intoxicated, after notice shall have been given him in writing by his wife, child, parent, brother or sister of such person, or by the overseer of the poor in the township where he resides, that such person is in the habit of being intoxicated, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than fifty dollars.

SEC. 11. Any person not being licensed according to the provisions of this act, who shall sell or barter, directly or indirectly, any spiritous, vinous, or malt liquors, in a less quantity than a quart at a time, or who shall sell or barter any spiritous vinous or malt liquors to be drank, or suffered to be drank, in his house, out-house, yard, garden, or the appurtenances thereto belonging, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than twenty nor more than one hundred dollars, to which the court or jury trying the cause may add imprisonment in the county jail of not less than thirty days.

SEC. 12. If any person shall sell, barter or give away, directly or indirectly, any spiritous, vinous or malt liquors to any person

under the age of twenty-one years, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten nor more than fifty dollars.

SEC. 13. If any person, under the age of twenty-one years, shall misrepresent his age and state himself to be over twenty-one years of age, in order to purchase spiritous, vinous, or malt liquors, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten nor more than fifty dollars.

SEC. 14. Any person who shall sell, barter or give away any spiritous, vinous or malt liquors to any person at the time in a state of intoxication, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not less than ten nor more than fifty dollars.

SEC. 15. Any person who shall adulterate, or who shall sell or offer for sale, any spiritous, vinous or malt liquors which have been adulterated by the admixture of any deleterious substance therewith, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not less than fifty nor more than five hundred dollars, to which the court or jury trying the same may add imprisonment in the county jail of not less than thirty days nor more than six months.

SEC. 16. Every place, house, arbor, room or shed, wherein spiritous, vinous or malt liquors are sold, bartered or given away or suffered to be drank, if kept in a disorderly manner, shall be deemed a common nuisance, and the keeper thereof, upon conviction, shall forfeit his license and be fined in any sum not less than ten nor more than one hundred dollars: *Provided*, That no prosecution shall be instituted or maintained against any person for any violation of any of the provisions of this act accruing between the time when it shall take effect and the close of the first regular session of the Board of Commissioners of the proper county, the beginning of which session not taking place in less time than four week after this act shall have taken effect.

SEC. 17. Circuit Courts, within their respective jurisdiction, shall have power to hear and determine all complaints for the

violation of any of the provisions of this act, and the grand juries of the several Circuit Courts shall have, and it is hereby, made their duty to take cognizance of offences against its provisions as in case of felonies.

SEC. 18. Justices of the Peace, within their respective counties, shall have jurisdiction to try and determine all cases arising under the provisions of this act, provided that if, in the opinion of the Justice or jury, trying any such cases, a fine of twenty-five dollars shall be an inadequate punishment for such violation, then the Justice in such case shall recognize the party in sufficient bond and surety to appear at the next term of the Circuit Court of the proper county to answer said charge.

SEC. 19. All former laws regulating the sale of intoxicating liquors, and all laws and parts of laws coming in conflict with any of the provisions of this act be, and the same are hereby, repealed.

SEC. 20. It is hereby declared that an emergency exists for the immediate taking effect of this act, it shall therefore be in force from and after its passage.

Which report was concurred in, and the bill so reported being House Bill No. 174, was read a first time.

Mr. Reno, from the Committee on Mileage and Accounts, submitted the following report :

MR. SPEAKER:

Your Committee on Mileage and Accounts have instructed me to make the following report of the miles traveled to and from the seat of government by the members of the House of Representatives, and for which they are respectively entitled to mileage :

George T. Barney.....	400 miles.
John N. Shaw.....	112 miles.
C. Johnston of Dearborn .....	200 miles.
Martin A. Reeder.....	150 miles.
Daniel Thomas.....	160 miles.

Albert Osborn.....	300 miles.
John R. Miller.. ..	126 miles.
J. L. Thompson.....	24 miles.
Barker Brown.....	112 miles.
J. A. Cantley.....	150 miles.
Patrick Horn.....	270 miles.
J. D. Heighway.....	330 miles.
J. L. Megenity.....	200 miles.
Taylor of Tipton.....	78 miles.
A. J. Williams.....	200 miles.
W. Twibill.....	170 miles.
M. L. Henderson.....	180 miles.
H. W. Marvin.....	50 miles.
J. M. Wynn .....	118 miles.
T. Crumpacker .....	300 miles.
Jacob Reddick.....	78 miles.
A. N. Martin.....	196 miles.
A. A. Davisson.....	116 miles.
James G. Edwards.....	108 miles.
G. W. Harris.....	80 miles.
W. H. Ragan.....	40 miles.
Jesse Marvin.....	160 miles.
M. Heller.....	312 miles.
John Walz .....	400 miles.
W. C. McMichael.....	364 miles.
Matthew A. Smith.....	200 miles.
Smith McCord.....	32 miles.
A. H. Shaffer.....	220 miles.
D. Charters .....	154 miles.
J. H. Haynes.....	500 miles.
Harvey Taylor.....	340 miles.
James Emerson.....	180 miles.
Nathan Pyeatt.....	396 miles.
William Patterson.....	72 miles.
James W. Arnold.....	340 miles.
James W. Morgan.....	40 miles.
Thomas Washburn.....	320 miles.
James Romine.....	554 miles.
Samuel Woody.....	138 miles.
A. J. Gossman.....	455 miles.
Samuel C. Ames.....	370 miles.

C. E. Crane.....	190 miles.
B. L. Harris.....	156 miles.
James L. Ratliff.....	156 miles.
James C. Favorite.....	220 miles.
Geo. H. Brown.....	226 miles.
M. C. Fulk.....	180 miles.
John C. Lincoln.....	180 miles.
C. McFadden.....	60 miles.
Davis of Floyd.....	228 miles.
Thos. S. Bellows.....	264 miles.
Samuel Shortridge.....	140 miles.
J. H. Anderson.....	152 miles.
William Ribble.....	128 miles.
John Kennedy.....	76 miles.
J. W. Lanham.....	184 miles.
A. B. Collins.....	300 miles.
James L. Nash.....	214 miles.
Jos. Gilbert.....	152 miles.
O. D. Willett.....	300 miles.
D. A. Snyder.....	250 miles.
B. F. Havens.....	148 miles.
Alfred Williams.....	120 miles.
H. Dale.....	200 miles.
Caldwell of Clinton.....	118 miles.
G. W. Bence.....	106 miles.
Samuel Ramsey.....	268 miles.
Geo. R. Bearss.....	196 miles.
E. Y. Jackson.....	208 miles.
John Martin.....	150 miles.
Milton Trusler.....	140 miles.
A. R. A. Thompson.....	140 miles.
Harper of Lagrange.....	400 miles.
J. L. Johnson.....	124 miles.
W. E. Forkner.....	192 miles.
Miles Waterman.....	300 miles.
Edward Evans.....	320 miles.
Peter A. Kennedy.....	88 miles.
Nathan H. Clark.....	60 miles.
Jesse H. Reno.....	100 miles.
Roseberry.....	180 miles.
D. R. Leeper.....	356 miles.

Cornelius Shugart .....	200 miles.
Brown of Jasper.....	286 miles.
James M. Darnall.....	108 miles.
E. B. Glasgow.....	388 miles.
Miller of Vanderburgh.....	392 miles.
T. Pate .....	272 miles.
Pfafflin .....	392 miles.
Jacob Montgomery.....	330 miles.
George Burson.....	200 miles.

Which report was concurred in.

Mr. Shugart asked for leave of absence for one week on account of sickness.

Which was granted.

House Bill No. 77, introduced by Mr. Pfafflin, was reported back by the Committee on Printing and ordered to be engrossed.

The Committee on Printing submitted the following report:

*To the Honorable Speaker of the House of Representatives :*

The Committee on Printing respectfully ask the consideration of the House on "Senate Joint Resolution" No. 3, making temporary provision for the public printing and recommend its passage.

[Signed.]

D. CHARTERS,  
J. S. MARTIN,  
C. JOHNSTON,  
SAMUEL C. AMES,  
W. C. McMICHAEL.

The Speaker laid before the House a communication on the subject of stationery from the Secretary of State.

Which was, on motion of Mr. Martin of Wells, referred to the Committee on Printing.

The Speaker called the counties for the introduction of bills, resolutions, etc.

Mr. Horn introduced

House Bill No. 175. An act to amend Section 4 of an act entitled "An act prescribing the number and defining the powers and duties of constable."

Which was read a first time.

Mr. Twibill presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Bellows presented a petition from citizens of Carke county on the subject of county superintendency.

Which was referred to the Committee on Education.

Mr. Caldwell introduced the following resolution :

WHEREAS, In the message of His Excellency, T. A. Hendricks, Governor of the State of Indiana, the financial exhibition of the State Prison, South, in comparison with the conduct and expenditure of the State Prison, North, exhibits an extraordinary expenditure on the part of the Prison South, which can not, by any itemized exhibition of fact or figures, be justified, and which exhibition of expenditures on the part of that institution, are astonishing and excessive in amount when compared with institutions of a similar character. Therefore be it

*Resolved*, That the Prison Committee of the House be, and are hereby, instructed to make a thorough investigation of all the facts connected with said State Prison, South, including the financial expenditures for all work, labor, or purchase, itemized, and investigating the mode of contract, the mode of expenditure, and be it further

*Resolved*, That said Committee be, and is hereby, empowered to employ an expert accountant to make a thorough investigation of



all books, accounts and papers connected with the management of said Prison affairs, contracts and labor as will enable said committee to make a true and full report of the affairs of said Prison. Be it further

*Resolved*, That the said committee be, and are hereby authorized and empowered to send for such parties, papers and records as will facilitate a thorough and complete investigation of the affairs of said Prison, at a place in the city of Jeffersonville, where, in the opinion of the committee, the most complete success of the committee may be had without additional expense to the State.

Which was adopted.

Mr. Waterman introduced

House Bill No. 176. An act to provide that owners of dogs killed or maimed shall not obtain judgment for such killing or maiming unless such dogs are listed for taxation, with a proviso.

Which was read a first time.

Mr. Barney introduced the following resolution :

*Resolved*, That the Committee on Agriculture be instructed to inquire what further legislation, if any, is necessary to prevent horses, cattle, hogs and sheep from running at large in any of the highways of this State, and report by bill or otherwise, with a penalty for its violation.

Which was adopted.

Mr. Barney presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Osborn introduced

House Bill No. 177. An act regulating fees and salaries, providing penalties for its violations, and declaring an emergency.

Which was read a first time.

Mr. Fulk introduced

House Bill No. 178. An act to repeal sections 272 and 273 of an act entitled "An act to provide for a uniform assessment of property and for the collection and return of taxes thereon," approved December 21, 1872.

Which was read a first time.

Mr. Ramsey introduced

House Bill No. 179. An act to amend sections two, three, four, and five of "An act regulating the fees of officers, and prescribing penalties for its violation, etc.," and declaring an emergency.

Which was read a first time.

Mr. Ragan presented a memorial of Township Trustees of Hendricks county, on House Bill No. 62.

Which was referred to the Committee on County and Township Business.

Mr. Forkner presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Crane presented a petition from citizens of Knox county, on the subject of Temperance.

Which was referred to the Committee on Temperance.

Mr. Ames introduced

House Bill No. 180. An act to regulate and fix the fees of Prosecuting Attorneys in Circuit Courts, Mayors' and Justices' Courts in the State of Indiana.

Which was read a first time.

Mr. Woody moved to adjourn.

Which motion was withdrawn.

Mr. Heller introduced the following concurrent resolution :

*Resolved, by the House, the Senate concurring therein, That for the purpose of comparing the votes cast in each House for United States Senator as provided by act of Congress, and if necessary voting for that officer, that both Houses of this General Assembly meet in joint convention in the hall of the House of Representatives at twelve o'clock meridian on to-morrow.*

Which was adopted.

On motion of Mr. Davis the Clerk was instructed to inform the Senate that the House has fixed the hour of 2:30 this afternoon as the time for voting on the Senatorship.

When, on motion of Mr. Woody, the House adjourned till two o'clock p. m.

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#### AFTERNOON SESSION.

The House met pursuant to adjournment, the Speaker in the chair.

The Speaker resumed the call of the counties for the introduction of bills, resolutions, etc.

Mr. Nash presented a petition from citizens of Sullivan county on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Nash presented a petition from citizens of Vanderburgh county on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. McMichael presented the affidavit of James H. Willard in regard to the Floyd county Criminal Court.

Which was referred to the Committee on organization of Courts of Justice.

Mr. Havens introduced

House Bill No. 181. An act to limit the number of Grand Jurors and to point out the mode of their selection and repealing all laws inconsistent with this act.

Which was read a first time.

Mr. Heller asked to have the mileage reported by the Committee on Mileage and accounts corrected so far as the mileage of Messrs. Horn, Waterman and Heller, was concerned.

Which was referred to the Committee on Mileage and Accounts.

The following message was received from the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill, to wit:

Engrossed Senate Bill No. 68. A bill amendatory and supplemental to an act entitled "An act providing for voluntary assignment of personal and real property, etc," approved March 5, 1859, and declaring an emergency.

And the same is herewith transmitted:

Also, I am directed by the Senate to inform the House of Representatives that the Senate has passed the following concurrent resolution, to-wit:

*Resolved, by the Senate, the House concurring,* That in accordance with an act of Congress declaring the manner of electing United States Senator, that the Senate this day at two and a half o'clock p. m, proceed to vote in form for a representative of the State of Indiana in the Senate of the United States to succeed Hon. Daniel D. Pratt, in which the concurrence of the House is respectfully requested.

Mr. Davis moved to take up the message from the Senate.

Which motion prevailed.

The message was then taken up and the concurrent resolution concurred in.

Senate Bill No. 68 was read a first time.

Mr. Harris of Wayne, introduced

House Bill No. 182. An act to repeal sections 272 and 273 of an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved December 21, 1872.

Which was read a first time.

Mr. Forkner moved to suspend the rules and that House Bill No. 182 be read a second time.

Which motion prevailed. Ayes 76, noes 12.

So the rules were suspended.

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davisson, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gossman, Harper, Harris of Madison, Harris of Wayne, Haynes, Highway, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Montgomery, Kennedy of Morgan, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Pate, Patterson, Pyeatt, Ragan, Reddick, Reeder, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Smith, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn, and Mr. Speaker—76.

*Those who voted in the negative were,*

Messrs. Bellows, Gilbert, Havens, Heller, Henderson, Lanham, Osborn, Pfafflin, Ramsey, Reno, Snyder and Washburn—12.

House Bill No. 182, introduced by Mr. Harris of Wayne, was read a second time.

Which, on motion of Mr. Forkner, was ordered to be engrossed.

Mr. Hopkins presented the claim of Luther R. Martin.

Which was referred to the Committee on Claims.

Mr. Crumpacker presented a petition of citizens of Porter county, on the subject of wolf scalps.

Which was referred to the Committee on Agriculture.

Mr. Caldwell presented a petition from citizens of Clinton county.

Which was referred to the Committee on Temperance.

Mr. Davis moved a call of the House.

Which resulted as follows:

Messrs. Ames, Anderson, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davisson, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightley, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Smith, Snyder, Taylor of

Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr. Speaker—95.

Mr. Charters asked for leave of absence for Mr. Bearss for one week on account of sickness.

Which was granted.

Mr. Davis moved that further business on the Speakers table be dispensed with.

Which motion prevailed.

#### SPECIAL ORDER OF THE DAY.

Pursuant to a concurrent resolution, and in obedience to an act of Congress, the House by an open viva voce vote proceeded to name one person for Senator in the Congress of the United States for the State of Indiana to serve for the term of six years from and after the Fourth day of March in the year of our Lord, one thousand eight hundred and seventy-five.

Nominations for United States Senator being in order,

Mr. Heller nominated Hon. Joseph E. McDonald of Marion county.

Mr. Thompson of Henry, nominated James Buchanan of Marion county.

Mr. Kennedy of Montgomery county, nominated Daniel D. Pratt of Cass county.

Mr. Pfafflin nominated Thomas M. Brown of Randolph county.

Mr. Ragan nominated Hon. W. W. Curry, of Marion county.

Mr. Reno nominated Hon. William S. Holman of Dearborn.

*Those who voted for Daniel D. Pratt were,*

Messrs. Ames, Anderson, Charters, Clark, Crumpacker, Dale, Darnall, Favorite, Forkner, Harper, Harris of Wayne, Heighway, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Morgan, Ribble, Shaffer, Shortridge, Smith, Taylor of Tipton, Thomas, Twibill, Williams of Lawrence, Woody and Wynn—26

*Those who voted for Hon. Joseph E. McDonald were,*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davisson, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenety, Montgomery, McCord, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Ramsey, Reddick, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown, and Mr. Speaker—53.

*Those who voted for James Buchanan were,*

Messrs. Brown of Jasper, Emerson, Fulk, Jackson, Miller of Parke, Miller of Vanderburg, McFadden, and Thompson of Henry—9.

*Those who voted for Thomas M. Brown were,*

Messrs. Pfafflin and Reeder—2.

*Those who voted for W. W. Curry were,*

Messrs. Ragan and Trusler—2.

*Those who voted for Wm. S. Holman were,*

Messrs. Henderson, Hopkins and Reno—3.

Whole number of votes cast, 95; of which number—



Daniel D. Pratt received 26.

Joseph E. McDonald received 53.

James Buchanan received 9.

Thomas M. Browne received 2.

W. W. Curry received 2.

William S. Holman received 3.

Hon. Joseph E. McDonald having received a majority of all the votes cast, was declared by the Speaker of the House, to be the choice of the House of Representatives for Senator in Congress, for the term of six years, from and after the fourth day of March, A. D. 1875.

Mr. Nash asked to be excused for his absence on yesterday.

Which was granted.

Mr. Martin of Wells, presented claim of Leander Tarr.

Which was referred to Committee on Claims.

Mr. Heller introduced the following resolution :

*Resolved, by the House of Representatives, the Senate concurring,*  
That the two Houses of the General Assembly of the State of Indiana, will meet in Joint Convention, in the Hall of the House of Representatives, at ten o'clock a. m., on the 21st day of January, A. D. 1875, for the purpose of electing one State Librarian, three Directors of the State Prison North, one Director of the State Prison South, to succeed John Kirk, and one Director of the State Prison South, to succeed B. F. Hill; one Trustee of the Deaf and Dumb Asylum, one Trustee of the Insane Asylum, and one Trustee of the Soldiers' Orphans' Home.

Which was adopted.

Mr. Leeper introduced

House Bill No. 183. An act authorizing incorporated cities to reform and change their boundary lines, so as to exclude therefrom suburban lots, tracts of land, and declaring an emergency.

Which was read a first time.

Mr. Morgan submitted petition on temperance from citizens of his county.

Which was referred to the Committee on Temperance.

Mr. Reeder introduced

House Bill No. 184. An act to provide for the detection and arrest of felons.

Which was read a first time

Mr. Williams of Brown, offered the following resolution :

*Resolved*, That the Committee on Affairs of the State Prisons be requested to inquire into the expediency of reducing the whole number of Directors for the State Prisons North and South to three, and that said Directors be empowered to exercise all the duties over both of said Prisons as are now required by law, and report by bill or otherwise.

Which was adopted.

Mr. Roseberry submitted petition from citizens of Monroe county.

Which was referred to the Committee on Fees and Salaries.

Mr. Leeper presented memorial and petition of manufacturers of St. Joseph county.

Which was referred to Committee on Affairs of State Prisons.

Mr. Johnston of Dearborn introduced

House Bill No. 185. An act to amend section two, of an act

entitled an act to amend section eight and ten, of an act entitled "An act providing for the election and qualification of Justices of the Peace," etc.

Which was read a first time.

House Bill No. 162, introduced by Mr. Heller, was read a second time.

Which, on motion of Mr Wynn, was referred to the Committee on Ways and Means.

House Bill No. 163, introduced by Mr. Montgomery, was read a second time.

Which, on motion of Mr. Harris of Madison, was referred to the Committee on Roads.

House Bill No. 164, introduced by Mr. Forkner, was read a second time.

Which, on motion of Mr. Forkner, was referred to the Committee on Judiciary.

House Bill No. 165, introduced by Mr. Forkner, was read a second time.

Which, on motion of Mr. Burson, was referred to the Committee on Judiciary.

House Bill No. 166, introduced by Mr. Williams of Lawrence, was read a second time.

Which, on motion of Mr. Morgan, was referred to the Committee on Temperance.

House Bill No. 167, introduced by Mr. Hopkins, was read a second time.

Which, on motion of Mr. Hopkins, was referred to the Committee of Education.

House Bill No. 168, introduced by Mr. Hopkins, was read a second time.

Which, on motion of Mr. Hopkins, was referred to the Committee on Education.

House Bill No. 169, introduced by Mr. Hopkins, was read a second time.

Which, on motion of Mr. Hopkins, was referred to the Committee on Ways and Means.

House Bill No. 170, introduced by Mr. Kennedy of Marion, was read a second time.

Which, on motion of Mr. Thompson of Marion, was referred to the Committee on Judiciary.

House Bill No. 171, introduced by Mr. Snyder, was read a second time.

Which, on motion of Mr. Snyder, was referred to the Committee on Judiciary.

Mr. Williams of Brown, presented a petition from twenty-two granges of Brown and Bartholomew counties.

Which was referred to the Committee on Education.

Mr. Burson introduced

House Bill No. 186. An act to authorize certain contracts of married women, and fixing their liabilities therefor, and providing in what manner such contracts shall become binding upon the real and personal property of such married women, and to repeal all laws and parts of laws in conflict therewith.

Which was read a first time.

On motion of Mr. McMichael, the House adjourned till tomorrow morning at 9 o'clock.

DAVID TURPIE,

Speaker.

## WEDNESDAY MORNING.

JANUARY 20, 1875, 9 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

The Speaker called the committees for reports.

Mr. Forkner, from the Committee on Judiciary, submitted the following report:

MR. SPEAKER:

The Committee on Judiciary, to whom was referred House Bill No. 26, entitled "An act relating to and prescribing some of the duties and liabilities of the Clerk's of the several Courts of this State" have had the same under consideration, and have directed me to report the same back to the House with the recommendation that it do pass.

Which report was concurred in.

House Bill No. 26, introduced by Mr. Forkner, was reported back by the Committee on Judiciary with recommendation that it pass.

And the same was ordered to be engrossed.

Mr. Burson, from the Committee on Judiciary, made the following report:

*To the Honorable Speaker and Members of the House:*

GENTLEMEN:—Your committee, to whom was referred House Bill No. 123, does herewith report said bill back and recommend that the same be engrossed and put upon its passage.

Which was concurred in.

House Bill No. 123, introduced by Mr. Burson, was reported back by the Committee on Judiciary with recommendation that it pass.

And the same was ordered to be engrossed.

The following report from the Committee on Judiciary was made to the House :

*To Mr. Speaker and the Members of the House:*

Your committee to whom was referred House Bill No. 136 would report: That we have carefully examined the bill and petition accompanying the same, and, although favoring some such legislation as is attempted to be provided for in said bill and as prayed for in said petition, we are constrained to report said bill back to the House and recommend that it lie on the table for the reason that its provisions, in our opinion, would be in conflict with the constitution of the State.

Which report was concurred in and the bill ordered to lie on the table.

House Bill No. 136, introduced by Mr. Kennedy of Marion, was reported back by the Committee on Judiciary with recommendation that it lie on the table.

Which report was concurred in and the bill ordered to lie on the table.

Mr. Forkner, from the Committee on Judiciary, submitted the following report :

MR. SPEAKER :

The Committee on Judiciary, to whom was referred House Bill No. 90, entitled "An act to amend the five hundred and sixty-first section of an act entitled 'An act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases,' " etc., have had the same under consideration and have directed me to report said bill back to the House with the recommendation that it lie on the table.

Which report was concurred in.

House Bill No. 90, introduced by Mr. Havens, was reported back by the Committee on Judiciary with recommendations that it lie on the table.

Report concurred in and the bill ordered to lie on the table.

The following report from the Committee on Judiciary, was made to the House :

MR. SPEAKER :

*To the Honorable the House of Representatives :*

On behalf of the majority of the Committee on Judiciary, I am directed to report back House Bill No. 121, introduced by D. A. Snyder of Marshall, with the recommendation that the same lie upon the table ; such legislation being, by said Committee, deemed inexpedient.

Which was concurred in.

House Bill No. 121, introduced by Mr. Snyder, was reported back by the Judiciary Committee, with recommendation that it lie on the table.

Which was concurred in, and the bill ordered to lie on the table.

The following report was made from the Committee on Judiciary :

MR. SPEAKER :

The Committee on Judiciary beg leave to report House Bill No. 78, back, with the recommendation that it be engrossed and put upon its passage.

Which was concurred in.

House Bill No. 78, introduced by Mr. Havens, was reported back by the Committee on Judiciary, with recommendation that it pass.

And the same was ordered to be engrossed.

The following report from the Committee on Judiciary, was made to the House :

MR. SPEAKER :

The Committee on Judiciary beg leave to report House Bill No. 124, back, with the recommendation that it lie on the table.

Which was concurred in.

House Bill No. 124, introduced by Mr. Burson, was reported back by the Committee on Judiciary, with recommendation that it lie on the table.

Which report was concurred in, and the bill ordered to lie on the table.

Mr. Keightly, from the Committee on Claims, submitted the following report :

MR. SPEAKER :

At a meeting of the Committee on Claims, held at Room 62 Bates House, Tuesday, January 19th, 1875, there were present Messrs. Keightly, Barney, Harper, Davisson, Miller and Dale.

Mr. Barney makes a motion that the claims of J. J. Ferris, J. T. Cookers, and D. W. Rowland, for extra services, be not allowed, and that the same be reported back to the House of Representatives.

Mr. Barney moved, that the claim of Nicholas Sherrer, for nineteen hundred and fifty dollars, be reported back to the House as not allowed.

Which was carried unanimously.

*Resolved*, That we adjourn, subject to the call of the Committee.

Which report was concurred in..



The following report from the Committee on County and Township Business.

MR. SPEAKER :

The Committee on County and Township Business, to whom was referred House Bill No. 62, after having duly examined the same, beg leave to report it back to the House with the recommendation that it lie on the table.

Which report was concurred in.

House Bill No. 62, introduced by Mr. Ragan, was reported back by the Committee on Township Business with recommendations that it lie on the table.

Which was concurred in, and the bill ordered to lie on the table.

Mr. Fulk, from the Committee on Temperance, submitted the following report :

MR. SPEAKER :

We, whose names are hereunto attached, being members of the Temperance Committee of this House, being a minority of said Committee and disagreeing with the majority report, beg leave to report the following bill to the members of this body, and recommend its favorable reception and passage on an early day.

M. C. FULK,

A. J. WILLIAMS,

JOS. H. ANDERSON.

On motion of Mr. Bence, and amended by Mr. Kennedy of Montgomery, the report was concurred in, the bill ordered to lie on the table, and that one hundred copies ordered to be printed.

An act to regulate the sale of and traffic in intoxicating liquors, to provide for damages and evils resulting therefrom, constituting

intoxication a misdemeanor with penalties attached thereto, making it obligatory upon the intoxicated person to designate the person or persons from whom he obtained the liquor, in whole or in part, to punish minors for misrepresenting their age, and to provide for other matters properly connected with such sale or traffic, to repeal all laws contravening the provisions of the act, and declaring an emergency.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be unlawful for any person, or persons, or their agents or clerks, to sell, barter or give away, for any purpose whatever, to any person whomsoever, any intoxicating liquor until such person or persons shall have procured a license therefor from the Board of Commissioners of the county where he resides and where he purposes selling or trading in intoxicating liquors as hereinafter provided.

SEC. 2. Any person desiring a license to sell intoxicating liquors, shall file in the office of the Auditor of the county in which he resides and intends to sell intoxicating liquors, not less than three weeks before the first day of the term of any regular session of the Board of Commissioners of such county, a petition in writing, stating therein the buildings or number, street, and ward or township wherein the license is asked to be granted, praying for such license, and certifying that the applicant is a resident voter of such county, and a citizen of the State of Indiana, and that he is a proper person to have and receive such license, which petition shall be signed by the applicant, and also by a majority of the legal voters, (in a good easily-read English script hand,) resident in the ward, if it be in a city, or town if it be incorporated, or township where the applicant proposes to sell intoxicating liquor. Such petition shall be kept on file by the Auditor until the next ensuing regular session of the Board of Commissioners when it shall be presented to the Board for their action. The Board shall examine such petition, shall allow any voter, or voters, to remonstrate and show cause why such petition should not be granted; and if, after due and thorough investigation, the Board is satisfied that the same is in proper form, and that it has been signed as provided for in this act, shall direct a license to be issued under the hand and seal of said Auditor and delivered to the person named in such license upon his complying with the provisions of this act and

paying the costs of filing and recording said petition and costs of issuing said license. *Provided, however,* That any resident voter may appeal from the decision of the County Commissioners to the Circuit Court of said county by giving approved security for all the expenses attending such appeal. But the applicant for license shall not be allowed to sell any intoxicating liquors until the final decision is rendered.

SEC. 3. At the time of filing such petition such applicant shall deposit with the Auditor a sum of money sufficient to defray the expenses of filing and recording such petition and issuing the license.

SEC. 4. Before the granting of a license by the Board of Commissioners the applicant shall pay into the county treasury the sum of four hundred dollars for such license for the term of one year, which sum shall be placed to the credit of the Common School Fund of the county, and shall also cause to be executed and properly acknowledged before an officer authorized to take acknowledgment of deeds, a bond payable to the State of Indiana in the sum of two thousand dollars, with good freehold security thereon, of not less than two persons, to be approved by the Board of Commissioners, and conditioned for the payment of any and all fines, penalties and forfeitures incurred by reason of the violation of any of the provisions of this act; and conditioned further that the principal and sureties therein named shall be jointly and severally liable, and shall pay to any person or persons any and all damages which shall in any manner be suffered by or inflicted upon any such person or persons, either in person or property, or means of support by reason of any sale or bartering of intoxicating liquors to any person by the person receiving such license, or by any of his agents or employes, separate suits may be brought on said bond by the person or persons injured. Such bond after its approval by the Board of Commissioners shall be filed in the office of the Auditor of the county, and shall be recorded by such Auditor forthwith in a book prepared for that purpose, and shall remain for the use of the State of Indiana, and for the use of any person or persons suffering as hereinbefore set forth, such bond may be sued and recovered upon in any court having competent jurisdiction by or for the use of any person or persons, or their legal representatives who may be injured or damaged by reason of any sale or sales of intoxicating liquors by the person receiving this license, or by any of his agents or

employees. The record of the bond, or a copy thereof duly certified by such Auditor, shall be admissable in evidence in any suit on such bond, and shall have the same force and effect as the original bond would have if offered in evidence.

SEC. 5. The whole number of votes cast for candidate for Congress in the township or the whole number of votes cast for Trustee if in an incorporated town, or the whole number of votes cast for Councilman if it be in the ward of a city at the last preceding general election, in any city, town or township, in which the applicant for license desires to sell said intoxicating liquor, shall be deemed to be the whole number of legal voters of such ward, town or township; *Provided, however,* that the petitioner shall procure the signature on his petition of a majority of those persons who voted at the last preceding election and whose names are on said poll book as aforesaid. *And it is further provided,* That any person not a legal resident voter in said ward, incorpoarated, town or township and who did not vote at the last preceding election, and whose name is not on the poll book, who shall sign said petition, or any person who signs the name of any person other than himself without the permission obtained of said person to so sign his name, shall be fined not less than fifty dollars nor more than one hundred dollars for each signature so made.

SEC. 6. No license herein provided for, shall be granted for a longer time than one year. It shall be the duty of the Auditor to furnish the person to whom the license is granted, a copy of the order of the Commissioners granting the license which copy shall show, in conspicuous letters, the date of the commencement of such license and of its expiration. *And it is further provided,* That such copy of the order of the Commissioners, certified by the Auditor, shall be hung up in a conspicuous place in the room where such liquor is sold, where the same may at all times be seen and read by any person desiring to do so. Should any person holding a license be convicted of a violation of any of the provisions of this act, such conviction shall make a forfeiture of his license and such forfeiture shall be made a part of the conviction and sentence. Any person so convicted shall not be entitled to another license for five years thereafter.

SEC. 7. It shall be unlawful for any person by himself, agent or clerk to sell, barter, give, buy for or furnish to any minor or to

any person who is at the time intoxicated, or to any person who gets intoxicated, any intoxicating liquors. On trial and conviction thereof such person shall be fined in the sum of five dollars and forfeit his license, and upon complaint filed by the Prosecuting Attorney or by any citizen before any court having jurisdiction of the same, such minor, intoxicated person or persons who gets intoxicated, shall be brought before such court by subpoena to testify as to the person from whom the liquor, in whole or in part, was obtained. On failure or refusal to designate the person from whom such intoxicating liquor, in whole or in part, was obtained, such person so refusing or failing to give such information shall be imprisoned in the county jail until such time as he is willing to testify from whom such liquor, in whole or in part, was obtained.

SEC. 8. Any minor who shall represent that he is of the age of twenty-one years or over, for the purpose of procuring intoxicating liquors, shall be guilty of a misdemeanor and, on conviction thereof, be fined in the sum of five dollars. On failure to pay or replevy the fines and costs he shall be imprisoned in the county jail until such fine and costs are paid at the rate of one dollar per day.

SEC. 9. It shall be unlawful for any person to get intoxicated. Any person found in a state of intoxication, or any person who has been guilty of intoxication within three months from the time of issuing the writ for his arrest, shall, upon conviction thereof, be fined in the sum of five dollars. On failure to pay or replevy the fine and costs he shall be imprisoned in the county jail until such fine and costs are paid at the rate of one dollar per day.

SEC. 10. It shall be unlawful for any person by himself, agent or clerk, to sell, barter or give away any intoxicating liquors on Sunday, or upon the day of any State, county, township or municipal election in the township, town or city where the same may be held, or upon Christmas day, or upon the fourth of July, or upon any thanksgiving day, or after nine o'clock at night, or before six o'clock in the morning. Any sale or sales made on any such day designated, or between nine o'clock at night and six o'clock in the morning, are hereby declared to be unlawful, and, upon conviction thereof, the person so selling by himself, agent or clerk, shall be fined not less than five nor more than twenty dollars for each sale made in violation of this section and shall forfeit his license as provided for in section six of this act.

SEC. 11. All places where intoxicating liquors are sold, bartered or given away, or are furnished to any person by any shift or device to evade any of the provisions of this act, without a license as herein provided for, shall be taken, held, and declared to be common nuisances, and shall be siezed, shut up and abated by order of the court finding the conviction ; and also, upon conviction of any violation of any of the provisions of this law, the keeper thereof shall be fined for the first offense in the sum of fifty dollars and imprisoned in the county jail for the term of three months, and for the second offense he shall be fined one hundred dollars and imprisoned in the county jail six months.

SEC. 12. In addition to the remedy and right of action hereinbefore provided for, every husband, wife, child, parent, guardian, or other person who shall be injured in person or property by any intoxicated person, or in consequence of intoxication, habitual or otherwise, of any person, shall have a right of action in his or her name, severally or jointly, against any person or persons who shall, by selling, bartering, or giving away intoxicating liquors, have caused the intoxication in whole or in part of such person ; and any person or persons, owning, renting, leasing, or permitting the occupation of any building or premises, and having knowledge that intoxicating liquor is sold therein, shall be liable jointly with the person selling, bartering, or giving away intoxicating liquors as aforesaid, to any person or persons injured, for all damages and for exemplary damages ; *Provided, however,* That execution on any judgment shall first be levied on the property of the person selling, bartering, or giving away such intoxicating liquor ; in the event of a failure or insufficiency of such property to satisfy the judgment thereof, then of the property of the other defendants. A married woman shall have the same right to bring suit and control the same and the amount recovered, as an unmarried woman. All damages recovered by a minor under this act, shall be paid either to such minor or to his or her parent, guardian, or next friend, as the court shall direct. The unlawful sale or giving away of intoxicating liquor, shall make a forfeiture of all rights of any lessee or tenant, under any lease or contract of rent, upon the premises where such unlawful sale, bartering, or giving away, shall take place. All suits for damages under this act may be by any appropriate action in any of the courts of this State having competent jurisdiction, all judg-

ments recovered under the provisions of this act, may be enforced without any relief, etc.

SEC. 13. Circuit, Superior, and Criminal Courts, Justices of the Peace, and Mayors of cities, shall have original and concurrent jurisdiction, and shall be empowered to subpoena witnesses to testify in all cases arising out of or connected with the violation of any of the provisions of this act.

SEC. 14. Common Councils of cities and Boards of Trustees of incorporated towns shall have power to pass such ordinances regulating and restraining the sale of intoxicating liquors within the limits of such cities or incorporated towns as are not in conflict with the provisions of this act.

SEC. 15. All laws and parts of laws conflicting with this act be, and the same are hereby repealed, save and except that all suits now pending for damages and violations of the law, made for the regulation of the sale of intoxicating liquor, and approved February 27, 1873, shall be in full force and effect as if this law had not been enacted.

SEC. 16. It is hereby declared that an emergency exists for the immediate application of this act. It shall, therefore, take effect from and after its passage.

Which was reported by committee and read a first time.

Mr. Forkner presented a petition from citizens of Henry County on the subject of temperance.

Which was referred to the Committee on Temperance.

MR. SPEAKER:

The Committee on Mileage beg leave to make, the following correction from their report of yesterday:

M. Waterman.. .. .	366 miles.
Patrick Horn.....	324 miles.
M. Heller.....	332 miles.

Which report was concurred in.

Mr. Osborn from the Committee on Federal Relations submitted the following report :

MR. SPEAKER :

The Committee on Federal Belations beg leave to report House Bill No. 46 back with recommendation that it be engrossed and put upon its passage January, 19, 1875.

Which report was concurred in.

House Bill No. 46, introduced by Mr. Pfafflin, was reported back by the Committee on Federal Relations with the recommendation that the bill be passed.

Which report was concurred in, and the bill ordered to be engrossed.

The following message was received from the Senate :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the following resolutions of the House to wit, which passed the House yesterday :

*Resolved by the House, the Senate concurring therein, That for the purpose of comparing the votes cast in each House for United States Senator, as provided by act of Congress, and, if necessary, voting for that officer, that both Houses of this General Assembly meet in joint convention in the Hall of the House of Representatives at twelve o'clock meridian on to-morrow.*

And the same is herewith returned to the House.

Mr. McMichael, from the Committee on Printing, submitted the following report :

MR. SPEAKER :

The Committee on Printing desire that the accompanying report of the Secretary of State, together with the bills of Braden & Bur-



ford and others for stationery, etc., be referred to the Committee on Claims, with the recommendation that said Committee of Claims give the matter very earnest and searching considerations. It also occurs to the Committee on Printing that such bills should also be accompanied by orders for such stationery, etc.

Which was concurred in, and the bills so returned were referred to the Committee on Claims.

Mr. Havens, from the Committee on Education, submitted the following report :

MR. SPEAKER :

The Committee on Education, to whom was referred House Bill No. 143, entitled an act to amend "An act to create a State Normal School, adding a supplemental section and providing for certain appropriations" having carefully considered said bill report the same back to the House with the recommendation that it be engrossed and put upon its passage.

House Bill No. 143, introduced by Mr. Gilbert, was reported back by the Committee on Education, with instruction that it be engrossed and put on its passage.

Mr. Burson moved the same be referred to the Committee on Ways and Means.

Mr. Havens moved to lay the motion of Mr. Burson on the table.

Which motion did not prevail.

The question recurring on the motion of Mr. Burson.

Messrs. Havens and Crumpacker demanded the ayes and noes.

Pending which vote the House, on motion of Mr. Heller, took a recess for half an hour.

Mr. Heller presented the following resolution :

*Resolved*, That a committee of two be appointed to wait upon the Senate and notify that body that the House is now ready to receive

the members thereof for the purpose of comparing the vote of yesterday for United States Senator.

Which was adopted.

Whereupon the Speaker appointed Messrs. Heller and Johnson of Carroll, as said committee.

Mr. Davis demanded a call of the House.

*Those who answered to their names were,*

Messrs. Ames, Anderson, Arnold, Barney, Bearss, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davisson, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnston of Dearborn, Keightly, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Smith, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn, and Mr. Speaker—95.

Mr. Davis moved the further call of the House be dispensed with.

Which motion prevailed.

#### JOINT CONVENTION.

The hour of 12 o'clock m. having arrived, the Senate came into the Hall of the House of Representatives, and were seated on the right of the Speaker.

Hon. Leonidas Sexton, President of the Senate, took his seat on the right of the Speaker, and called the Joint Convention to order.

The Journals of the Senate and House of Representatives were read to the Joint Convention, so far as the same has reference to the vote of the separate Houses had on yesterday, for United States Senator in Congress.

Joseph E. McDonald had received in the Senate 23 votes, and in the House 53 votes.

The whole number of votes given in the two Houses for Joseph E. McDonald, was 76.

Daniel D. Pratt had received in the Senate 15 votes, and in the House 26 votes.

The whole number of votes given in the two Houses for Daniel D. Pratt, was 41.

Richard W. Thompson had received in the Senate 7 votes, and in the House none.

The whole number of votes given in the two Houses for Richard W. Thompson, was 7.

James Buchanan had received in the Senate 4 votes, and in the House 9.

The whole number of votes given in the two Houses for James Buchanan, was 13.

William S. Holman had received in the Senate 1 vote, and in the House 3.

The whole number of votes given in the two houses for William S. Holman, was 4.

W. W. Curry had received in the Senate none, and in the House 2 votes.

The whole number of votes given in the two Houses for W. W. Curry, was 2.

Thomas M. Browne had received in the Senate none, and in the House 2 votes.

The whole number of votes given in the two Houses for Thomas M. Browne, was 2.

The President of the Joint Convention thereupon declared that, inasmuch as no one man had received a majority of votes in both Houses separately, the two Houses jointly would proceed to take a ballot for United States Senator.

Nominations being in order—

Mr. Harney, Senator from Montgomery county, nominated Hon. Joseph E. McDonald.

Mr. Kennedy, of Montgomery county, nominated Hon. Daniel D. Pratt.

Mr. Thompson of Henry, nominated James Buchanan.

Senator Friedley of Lawrence, nominated Hon. R. W. Thompson.

Mr. Reno nominated W. S. Holman, whose name was withdrawn by Senator Givan.

Mr. Reno placed in nomination Hon. Daniel W. Voorhees.

Mr. Voorhees' name was withdrawn by Mr. Havens.

There being no further nominations, the Secretary of the Senate proceeded to call the roll of the Senate for votes, and the Clerk of the House called the roll of the House for votes.

*Those who voted for Joseph E. McDonald were,*

Messrs. Bell, Boone, Bowman, Cree, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Henderson, Hendricks, Humphrey, Johason of Floyd, Maxwell, Peed, Ringo, Sarnighausen Skinner, Slater, Smith, Stockslager, Wilson and Winterbotham of the

Senate, and Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davisson, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, McMichael, Nash, Osborn, Pate, Patterson, Peyatt, Ramsey, Reddick, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown, and Mr. Speaker of the House—78.

*Those who voted for Daniel D. Pratt, were*

Messrs. Beardslev, Bearss, Bunyan, Chapman, Hackleman, Haworth, Hough, Howard, Johnson of Parke, LaRue, Neff, Oliver, Sleeth, Thompson, and Underwood of the Senate, and Ames, Anderson, Bearss, Charters, Clark, Crumpacker, Dale, Darnall, Favorite, Forkner, Harper, Harris of Wayne, Highway, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Morgan, Ratliff, Reeder, Ribble, Shaffer, Shortridge, Smith, Taylor of Tipton, Thomas, Twibill, Williams of Lawrence, Woody, Wynn of the House—44.

*Those who voted for James Buchanan, were*

Messrs. Caldwell, Major and Scott of the Senate, and Messrs. Brown of Jrsper, Emerson, Fulk, Jackson, Lincoln, Miller of Parke, Miller of Vanderburgh, McFadden, Pfafflin, Thompson of Henry, in the House—13.

*Those who voted for William S. Holman, were*

Messrs. Henderson and Reno of the House—2.

*Those who voted for Richard W. Thompson, were*

Messrs. Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Roe and Tobin of the Senate—6.

*Those who voted for William W. Curry, were*

Messrs. Baxter of the Senate, Ragan and Trusler of the House—3.

The total result as shown on joint ballot is as follows :

Joseph E. McDonald received 78 votes.

Daniel D. Pratt received 44 votes.

James Buchanan received 13 votes.

William S. Holman received 2 votes.

W. W. Curry received 3 votes.

Richard W. Thompson received 6 votes.

The President of the joint convention thereupon declared that Hon. Joseph E. McDonald, having received a majority of all the votes cast in both Houses of the General Assembly of the State of Indiana, was duly elected Senator in Congress of the United States for six years from the 4th day of March, A. D. 1875.

The joint convention then adjourned *sine die* and the Senate retired to their chamber.

Whereupon, on motion of Mr. Darnall, the House adjourned till 2 o'clock this afternoon.

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#### AFTERNOON SESSION.

The House met pursuant to adjournment, the Speaker in the chair.

The Speaker announced the first thing in order to be the motion pending at adjournment on the reference of House Bill No. 143.

The demand for the ayes and noes being withdrawn the bill was referred to the Committee on Ways and Means.

Mr. Dale, from the select Committee on Employes, submitted the following report :

MR. SPEAKER :

The select committee to whom was referred the communication of the State Librarian asking the House to take some action in relation to keeping fires in the lobby stoves, etc. Your committee would recommend that the State Librarian continue in charge of said stoves and have supervision in keeping the House properly warmed by continuing the present or some other person in charge who is acquainted with the peculiar arrangement of said stoves. This arrangement we deem but an act of justice to the Librarian, that officer having had entire control of this matter during the sitting of past Legislatures. This arrangement does not necessitate an increase of expenses but merely leaves the matter where we find it.

Which report was concurred in.

Mr. Clark presented petitions from citizens of Rush and Hancock counties on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Darnall of Howard, introduced

House Bill No. 188. Being an act to amend section three of an act entitled " An act to render taxable for school purposes uniform, and to provide for the education of colored children of the State, approved May 13, 1869."

Which was read a first time and passed to a second reading.

Mr. Favorite of Huntington, introduced

House Bill No. 189. An act to amend section twenty-five of an act entitled an " Act to provide for a general system of Common School the officers thereof and their respective duties and powers and matters properly connected therewith."

Which was read a first time.

Mr. Marvin of Boone, presented the following resolution :

*Resolved*, That the Judiciary Committee be requested to inquire if the Treasurer of State and the County Treasurers and Township Trustees of this State can be by law held responsible for interest received by them on funds in their custody belonging to the State, counties or townships respectively, and to report by bill or otherwise.

Which was adopted.

Mr. Lanham presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Thompson of Marion, presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Keightly introduced

House Bill No. 190. An act to amend the fifth section of an act entitled "An act to prohibit the collection of tolls on gravel turn-pike, macadamized and plank roads in certain cases, and to provide the mode of declaring charters of such roads forfeited in certain cases and repealing all laws inconsistent therewith," approved March 5, 1859 and declaring an emergency.

Which was read a first time.

Mr. Turpie introduced

House Bill No. 191. An act supplemental to an "Act to establish superior courts defining their jurisdiction and providing for the elections and compensation of Judge thereof," approved, February 15, 1871.

Which was read a first time.

Mr. Roseberry presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.



Mr. Kennedy of Morgan, presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Kennedy of Morgan, introduced

House Bill No. 192. An act relative to the running at large of certain stocks requiring hogs to be tamed by ring in the nose, prescribing penalties for violation of same and declaring an emergency.

Which was read a first time.

Mr. Emerson presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Pate presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Edwards presented the following resolution :

*Be it Resolved by the House of Representatives of the State of Indiana, That the Committee on Ways and Means be requested to take under consideration the propriety of appropriating the sum of twenty thousand dollars out of any moneys not otherwise appropriated. The said sum to be equally divided between the States of Kansas and Nebraska, that they may be relieved to that extent from their suffering condition caused by the ravages of the various insects that invested those States.*

Which was adopted.

Mr. Crane introduced

House Bill No. 193. An act to amend section 672 of an act entitled "An act to revise, simplify and abridge the rules, practice pleadings and forms in civil cases in the courts of this State to abolish distinct forms of action at law, and to provide for the admini-

istration of justice in a uniform mode of pleadings and practice without distinction between law and equity," approved June 18, 1852.

Which was read a first time.

Mr. Crane introduced

House Bill No. 194. An act to amend section 186 of an act entitled, "An act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.

Which was read a first time.

Mr. Lanham asked for leave of absence until to-morrow morning for Mr. Charters on account of sickness.

Which was granted.

Mr. Morgan introduced

House Bill No. 195. A bill to fix the time of holding courts in the 19th Judicial Circuit, prescribing the length of term and repealing all laws in conflict.

Which was read a first time.

Mr. Crane introduced

House Bill No. 195. An act entitled, "An act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers, and duties in civil cases," approved June 9, 1852.

Which was read a first time.

Mr. Henderson presented the following resolution :

WHEREAS, By the original charter of the Ohio and Mississippi Railroad Company, it was stipulated in said charter that the corpo-

ration would pay to the State of Indiana, for the benefit of the school fund of the State, a portion of the profits which should accrue to said corporation, on certain contingencies stated in said charter ; therefore,

*Resolved*, That a committee of three members of this body be appointed to examine and report the facts as to whether or not the said railroad corporation has complied with the terms of said charter, and also to report what legislation, if any, in their opinion may be necessary to secure the State in the prompt payment of any money that is or may be due under said charter ; and to enable said committee to make said examination, they are hereby authorized to send for persons and papers as they deem necessary.

Which resolution was adopted.

Mr. Reddick presented a petition from citizens of Rush county, on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Pate presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Shortridge introduced

House Bill No. 197. An act to amend section one, two, three and four of an act entitled " An act to fix the salaries of the Judges of the Supreme Courts, Superior and Criminal Circuit Courts of this State, and to provide for the time and manner of payment," approved March 10, 1873, and declaring an emergency.

Which was read a first time.

Mr. Havens moved to lay House Bill No. 197, just read, on the table.

Which motion did not prevail.

Mr. Pfafflin presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Dale offered the following resolution :

*Resolved*, That it is the sense of this House that the present salaries of many of our officers, both State and county, are largely in excess of the services rendered, and that justice to the tax-payers of the State demand a thorough revision of the present laws on the subject of fees and salaries, and that justice to the people demand our most earnest consideration of that matter; and be it further

*Resolved*, That the Committee on Fees and Salaries be requested to base all compensation of public officials on the amount and kind of labor necessary to be performed in the discharge of the duties pertaining to such offices and the amount of responsibility attached to such trust.

Which was referred to the Committee on Fees and Salaries.

Mr. Shaffer introduced

House Bill No. 198. Anatomical bill, legalizing the dissection of human bodies, and declaring an emergency.

Which was read a first time.

Mr. Harris introduced

House Bill No. 199. An act to amend section one of an act entitled, "An act to amend an act entitled, 'An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto,' approved March 5, 1859," approved December 20, 1865.

Which was read a first time.

Mr. Martin of Wells, offered the following resolution :

WHEREAS, Confusion has arisen as to the time of meeting of Committees of the House; therefore, in order to prevent the same in the future,

*Resolved, by the House of Representatives*, That the Doorkeeper of this House be directed to fix the hours and dates of the regular

meetings of said committees, on consultation with the chairman thereof, and report, the same to be read in this House.

Which was adopted.

Mr. Williams of Brown, introduced

House Bill No. 200. An act legalizing extensions of plank, gravel, and turnpike roads, beyond their terminal points mentioned in their articles of association.

Which was read a first time.

Mr. Cantley presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Lanham presented a petition on temperance.

Which was referred to the Committee on Temperance.

Mr. Willett offered the following resolution :

*Resolved*, That the Committee on Temperance be instructed to report back Bill No. 17, to this House, for its action.

Which resolution was not adopted.

Senate Joint Resolution No. 3. "A Joint Resolution to make temporary provision for the public printing," was read a third time and placed upon its passage.

The question being, shall the Joint Resolution pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Caldwell, Cantley, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davisson, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Heller, Henderson, Hopkins, Horn Jackson, Johnson of Carroll, Johnston of Dearborn, Kennedy of Montgomery, Kennedy of Morgan, Lan-

ham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Smith, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn, and Mr. Speaker—92.

No one voting in the negative.

So the Joint Resolution passed.

Engrossed Senate Bill No. 68. A bill amendatory and supplemental to an act entitled "An act providing for voluntary assignment of personal and real property," etc., approved March 5, 1859, and declaring an emergency.

Which was read a first time.

House Bill No. 174, introduced by Mr. Bence, was read a second time.

Which, on motion of Mr. Davis, was ordered to lie on the table and that two hundred copies be printed.

On motion of Mr. Davis two hundred copies were ordered to be printed of House Bill No. 187, as reported by the minority of the Temperance Committee.

House Bill No. 175, introduced by Mr. Horn, was read a second time.

Which, on motion of Mr. Horn, was referred to the Committee on County and Township Business.

House Bill No. 176, introduced by Mr. Waterman, was read a second time.

Which, on motion of Mr. Waterman, was referred to the Committee on Agriculture.

House Bill No. 177, introduced by Mr. Osborn, was read a second time.

Which, on motion of Mr. Osborne, was referred to the Committee on Fees and Salaries.

House Bill No. 178, introduced by Mr. Fulk, was read a second time.

Which, on motion of Mr. Forkner, was indefinitely postponed.

House Bill No. 172, introduced by Mr. Burson, was read a second time.

Which, on motion of Mr. Bence, was referred to a special committee.

The Speaker appointed Messrs. Bence, Shaffer and Darnall as said Committee.

House Bill No. 179, introduced by Mr. Ramsey, was read a second time.

Which, on motion of Mr. Darnall, was referred to the Committee on Fees and Salaries.

House Bill No. 180, introduced by Mr. Ames, was read a second time.

Which, on motion of Mr. Havens, was indefinitely postponed.

House Bill No. 181, introduced by Mr. Havens, was read a second time.

Which, on motion of Mr. Havens, was referred to the Committee on Judiciary.

House Bill No. 183, introduced by Mr. Leeper, was read a second time.

Which, on motion of Mr. Leeper, was referred to the Committee on Cities and Towns.

House Bill No. 184, introduced by Mr. Reeder, was read a second time.

Which, on motion of Mr. Reeder, was referred to the Committee on Rights and Privileges.

House Bill No. 185, introduced by Mr. Johnston of Dearborn, was read a second time.

Which, on motion of Mr. Forkner, was referred to the Committee on Judiciary.

House Bill No. 186, introduced by Mr. Burson, was read a second time.

Which, on motion of Mr. Edwards, was referred to the Committee on Judiciary.

The Speaker announced the appointment of N. E. Alexander as janitor to the three groups of committees.

When, on motion of Mr. Shortridge, the House adjourned till to-morrow morning at 9 o'clock.

DAVID TURPIE,  
Speaker.

## THURSDAY MORNING.

JANUARY 21, 1875, 9 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

The journal of yesterday was read in full and approved.

The Speaker called the committees for reports.



The following report was made from the Committee on Judiciary.

MR. SPEAKER :

The Committee on Judiciary to whom was referred House Bill No. 98, introduced by Mr. Hopkins of Marion, beg leave to report that they have had the same under consideration, and recommend that it be indefinitely postponed, the law being now substantially according to the provisions of said bill.

Which was concurred in.

House Bill No. 98, introduced by Mr. Hopkins, was reported back by the Committee on Judiciary with recommendation that the bill be indefinitely postponed.

The bill was so postponed.

Mr. Gilbert, from the Committee on Banks, submitted the following report :

MR. SPEAKER :

The Committee on Banks to whom was referred House Bill No. 128, entitled an act to repeal section fifty-five, of an act to amend an "Act to authorize and regulate the business of General Banking, approved March 3d, 1855," have had the same under consideration and return it with the recommendation that it pass.

Which report was concurred in.

House Bill No. 128, introduced by Mr. Taylor, was reported back by the Committee on Banks with recommendation that it be engrossed.

Which was ordered to be engrossed.

The following report was made from the Committee on Rights and Privileges.

Your Committee to which was referred House Bill No. 115,

return said bill with their recommendation that it be laid on the table.

Which bill was recommitted to the committee.

House Bill No. 115, introduced by Mr. Bence, was reported back by the Committee on Rights and Privileges, with recommendation that it pass.

Which, on motion of Mr. Darnall, was recommitted to the committee.

The following report was made by the Committee on Rights and Privileges :

MR. SPEAKER :

Your Committee, to whom was referred House Bill No. 111, offer the following report :

Amend, by inserting in line 17, after the word "shall," the word "be," and in line 18, after the word "one," insert the word "hundred," and when so amended, we recommend its passage.

House Bill No. 111, introduced by Mr. Thompson of Marion, was reported back by the Committee on Rights and Privileges, with amendments.

Amendments concurred in, and bill ordered to be engrossed.

Mr. Thompson of Marion, from the Committee on Rights and Privileges, submitted the following report :

The Committee on Rights and Privileges, report on House Bill No. 156, and recommend that it do pass.

Which report was concurred in.

House Bill No. 156, introduced by Mr. Kennedy of Morgan, was reported back by the Committee on Rights and Privileges, with recommendation that it be engrossed.

And the bill was ordered to be engrossed.

The following report was made from the Committee on County and Township Business:

MR. SPEAKER:

The Committee on County and Township Business, to whom was referred House Bill No. 108, introduced by Mr. Charters, beg leave to report the same back to the House, with the recommendation that section one of said bill be amended to read as follows:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That County Commissioners shall not construct or cause to be constructed, any building or buildings, bridge or bridges, nor purchase any land, the cost whereof shall exceed the sum of twenty thousand dollars, without first submitting the same to a vote of the legal voters of said county, when such buildings or bridges are to be erected, or where such land is to be purchased.

And the Committee recommend that the bill when so amended do pass.

Mr. Bence offered the following amendment, to the amendment:

Strike out the words "The sum of twenty thousand dollars" and insert "one-half of one per cent. of the assessed valuation of real and personal property in the county."

On motion of Mr. Marvin of Boone, the whole subject was laid on the table and made the special order for Tuesday next at 2:30 o'clock p. m.

The following message was received from the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following concurrent resolution of the House, to wit:

*Resolved, by the House of Representatives, the Senate concurring,* That the two Houses of the General Assembly of the State of Indiana,

will meet in Joint Convention in the hall of the House of Representatives at 10 o'clock a.m., on the 21st day of January, A. D., 1875, for the purpose of electing one State Librarian, three Directors of the State Prison North, one Director of the State Prison South to succeed John Kirk, and one Director of the State Prison South to succeed B. F. Hill, one Trustee of the Deaf and Dumb Asylum, one Trustee of the Insane Asylum, and one Trustee of the Soldiers' Orphans' Home, with the following amendments to wit:

Amend as follows by striking out the words "and one State Librarian" in line nine of page one of the resolution and insert the same at the end of the resolution.

Amend by striking out the "21st of January," and inserting the "17th of February," in lieu thereof.

And the same is herewith transmitted to the House together with said amendments.

The Speaker laid before the House the report of Trustees of Wabash and Erie Canal, together with the following communication:

TRUSTEES OFFICE, WABASH AND ERIE CANAL,  
TERRE HAUTE, January 19, 1875.

DEAR SIR:—I have the honor to submit herewith the Annual Report of the Board of Trustees of the Wabash and Erie Canal for the year 1874, which you will please lay before the House over which you preside.

Very respectfully,

THOS. DOWLING,

Trustee.

Which was laid on the table and one hundred copies ordered to be printed.

Which report is in the words and figures following, to-wit:

*To the General Assembly of the State of Indiana :*

The Board of Trustees of the Wabash and Erie Canal submit this, their twenty-eight annual report for the year 1874.

It was stated in the report of the Board for the year 1873, made to the Governor on the 26th of March last, that the contractors for the maintenance of the Canal navigation (the Wabash and Erie Canal Company) had intimated an intention to abandon their contract with the Board of Trustees, which, by its terms, would not expire until the first day of July, 1878. This intimation was shortly after followed by a formal abandonment of the Canal and the contract, of which the Trustees were duly notified in the Spring.

As the Canal was thus suddenly surrendered to the Trustees, and they had no means at their disposal to maintain it, it seemed as if it must unavoidably be abandoned. The Trustees, however, on consultation with the Chief Engineer, and under his advice, appointed Wilson Smith, of Huntington, Superintendent, to take charge of it, with directions to protect the property and maintain navigation as far as possible, using the tolls and water rents for that purpose.

The reports of Mr. Williams, the Chief Engineer, and Mr. Wilson Smith, Superintendent, herewith submitted, set forth fully the present condition of the Canal and its structures, to which attention is especially called. By the wise and energetic management of the Superintendent, as exhibited in his report, he was able to preserve the property in the condition in which it was left by the contractors, without incurring any burden of debt; but it is manifest that if the Canal is ever again to be opened for the use of the public, it must be done by other means than those in the hands of the Board, and by some other power. Any further effort on the part of this Board to maintain the navigation of the Canal would be fruitless, after the experience and results of the last contract made with the "Wabash and Erie Canal Company," as herein stated. When that contract was made, on the 23d June, 1866, it was expected that it would insure the permanent maintenance of the Canal. The Subscribed capital of the Company was \$150,000. The subscribers, numbering three hundred and seventy-nine members, were all citizens of

Indiana, residing in the counties of the Wabash Valley, and interested in maintaining the Canal, were prompted to the effort by that desire. By a statement transmitted to the Board, it appears that between June 23d, 1866, when the contract was made, and the surrender of the Canal in the Spring of 1874, about eight years, the contractors expended on the Canal for maintenance, repairs, and expenses, \$436,345.52. Tolls, and water rents, collected, were \$274,019.41. Leaving a deficit of \$162,326.11. Towards this deficit they received from the county donations, authorized by acts of the General Assembly, \$40,216.13. Leaving a very large sum to be made up by the private contributions of the subscribers, which may be regarded as their individual loss or sacrifice in their effort to sustain a public work for the benefit of the public. By the terms of the contract, which was to continue until 1st July, 1878, a considerable sum was to be paid annually to the Board towards the general expenses of the Trust; but no payment has ever been made and it remains an unsatisfied claim against them.

In a circular, addressed to the subscribers, under date of December 10th, 1874, it is stated that when the Company was formed in the summer of 1866, it was confidently believed that by the judicious expenditure of \$60,000, the Canal and its structures could be put in repair, from the Ohio State line to Terre Haute, and that the tolls and revenues thereof would not only hereafter keep the Canal in navigable order, but would in due time return the money advanced by the Company.

The expectations of the friends of the enterprise have not been realized, although every reasonable effort was made to accomplish the desired object. The rapid decay of the structures, and the unexpected injuries by floods, caused larger outlays of money than were anticipated, while the relentless opposition of Railroad Companies, and especially that of the Toledo, Wabash & Western Railway Company, cut down our tolls and reduced our income, so that it was found impracticable to keep the Canal up, and last March it was formally surrendered to the Trustees.

This state of things, in respect to the Canal, has attracted the attention of the holders of the certificates of indebtedness, chargeable on the Canal and the property held by the Board, in trust and security for their payment, and a suit has recently been instituted in the Circuit Court of the United States by Jonathan K. Gapin, the holder of a large amount of various classes of Wabash & Erie Canal Stock, in behalf of himself and all other holders of similar

certificates of indebtedness, against the Board of Trustees the object of which suits to enforce the lien of the holders of these certificates against the property pledged for their payment held by the Board of Trustees under the public debt act of 1846 and 1847, and praying the Court, for the reasons set forth in the bill of complaint, among other things to decree a sale of the Canal and its appurtenances, and a distribution of the proceeds among the holders of Canal indebtedness, according to their several rights and priorities.

By the public debt acts of 1846 and 1847, no provision was made for terminating the Trust, other than is specified in the 12th section of the Act of 1846, and 22d section of the Act of 1847, by which the State of Indiana reserved the right of terminating the Trust, *after* twenty years from the 19th January, 1846, by assuming or paying the balance of *principal* which might then remain unpaid. It was presumed when the acts were passed, that the security, (viz. the tolls and revenues and lands of the Canal, would be ample to pay, first, all the accruing interest on the debt; and secondly, to discharge the principal, or a large part of it, within twenty years, leaving only a balance of principal to be assumed or paid, whenever the State should exercise the right of redemption, reserved in the acts. The actual contingency which has occurred, viz.: the utter failure of the Canal as a productive work, was not for any reason then anticipated.

The constitutional amendment which has been adopted by the addition to the tenth article of the Constitution of the State is in the following words: "No law or resolution shall ever be passed by the General Assembly of the State of Indiana, that shall recognize any liability of the State, to pay or redeem any certificate of stock issued in pursuance of an act entitled an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," passed January 19th, 1846; and an act supplemental to said act, passed January 27th, 1847, which by the provisions of the said acts, or either of them, shall be payable exclusively from the proceeds of Canal lands, and the tolls and revenues of the Canal in said acts mentioned, and no such certificates of stocks shall ever be paid by this State." It is claimed that the State, by the adoption of this amendment, has relinquished the right of redemption and interest in the property, and the holders of Canal stocks, in the action referred to, insist that they are entitled to ask for the sale of the property, and distribution of the proceeds among the stockholders according to their

respective rights and equities. The Board of Trustees hold the property simply in trust for the specific purpose stated in the acts of 1846 and 1847. They have made every possible effort to sustain and perpetuate the Canal, and the measures which have been adopted to that end have been fully set forth in their reports to the General Assembly from year to year, from the beginning of the trust to the present time.

The action of the Board in regard to the suit, which has been instituted as above, will be under the advice and direction of eminent counsel, and the pleadings in the case will be communicated to the authorities of the State for their information, presuming that any proceeding involving the ultimate disposition of the Canal, and the property of the trust will be of interest to them and command their attention. The amount of the Canal debt (certificates of Canal stock chargeable on the Wabash and Erie Canal payments), was stated in the report of the Board for the year 1868, and there will be found appended to their report for the year 1872, a schedule of the holders of the certificates, with the residence and amount held by each one. This list is believed to be substantially correct, no material change having occurred since.

The Trustees can not refrain from again alluding to the great advantage in water transportation over all other modes of transit, and present some facts for the consideration of the General Assembly. This question of cheap transportation is already engaging the attention of Congress, and committees appointed to consider the best mode of sending the productions of the great West to the sea-board. The committees are making examinations into the best means of securing cheap transportation. The Legislatures of many of the States are engaged in the same work, and have already passed laws to induce or enforce a reduction of Railroad rates. The active class of producers, through voluntary organizations, have engaged in considering this question of freights; and in some States their influence is strongly felt in reducing them.

The line of the Wabash and Erie Canal is the only water route from Western and Northern Indiana to the great Lakes, and affords the only cheap mode of transportation to the sea-board, for a very large area of country. It is in fact, the natural channel for the trade of the Wabash valley and the upper counties of the State. In the last ten years there have been great changes in the Lake and Canal transportation. The application of steam to Canal navigation in New York, and the improvement in the Lake



Merchant Marine, has greatly enhanced the value of the Wabash and Erie Canal to the producers and shippers of this State. These improvements are noticed in the statements of the Toledo Board of Trade, and briefly brought out in review by a leading newspaper of this State. The following striking facts will challenge attention: "The Lake vessels used to carry from 20,000 to 30,000 bushels of wheat or corn. They required from eight to ten days to go from Chicago to Buffalo. Now we have large steam vessels carrying from 50,000 to 80,000 bushels, and towing a consort barge or two, each carrying as much or more than the steamer, and making the trip in from four to five days. The rate of freight paid the former vessels was from 10 to 15 cents per bushel. The rate of the latter, during the year 1874, averaged  $4\frac{1}{2}$  cents per bushel on wheat. Here we have a great increase in speed and a great reduction in the rate of freight, and all of this by the introduction of steam within the last three or four years. This is most important to the interests of the West. The State of New York offered a prize of \$100,000 to any one who would give economical and practical steam navigation of the Canals. This has been accomplished by Wm. Baxter and others, and, as a consequence, Baxter steamers have run from Buffalo to New York in less than six days, as against fourteen required by the horse boats. They have cost but 10 cents per mile against 35 cents. The rate of freight has been reduced from 12 and 15 cents per bushel to 8 10. All this shows that there is progress in water navigation, and without it the immense products of the West to the East could hardly be moved. The Erie Canal does more business now than both of the New York Trunk Railroads, and with the improvements of the Erie Canal, soon to go into operation, it will carry more freight than all the trunk lines running from Montreal to Washington. Everything that cheapens the transportation of agricultural products is of interest to our people."

These results can not but arrest the attention of General Assembly, and presents the question to it: Can the Wabash and Erie Canal be allowed to go into disuse? A statement, carefully prepared by Wilson Smith, the Superintendent, shows that the ten counties of Indiana, through which the Canal passes, produced, in 1873, upwards of sixteen millions of bushels of wheat, corn and other grains. If the Canal, as a means of transportation in competition with railroads, saves the farmer only three cents per bushel,

that would make a difference of not less than \$480,000 on the products of those counties in a single year.

In conclusion, the Trustees repeat, with emphasis, the opinion expressed in their report of last year, viz. :

“ There is probably no one route that should attract more attention, or that holds out greater inducements, or that would do more if improved, to solve the problem of cheap transportation, between the East and the West, than the Wabash and Erie Canal, looking at its terminal points of Toledo, at the head of Lake Erie, in the east, and Lafayette, Attica and Terre Haute in the valley of the Wabash, in the west. The expenditure of a comparatively small sum of money (say \$500,000) would put this canal, from one end to the other, in good condition, and thus establish one of the most valuable water lines, for the transportation of freight, to be found within the United States, west of Lake Erie.”

It may not be out of place to refer briefly to the organization of the Board of Trustees, and those who have composed it during the period of its operation for more than twenty-seven years past. The Trustees, therefore, append to this report a statement, showing the names of those citizens of Indiana who have at different times held the office of State Trustee by appointment of the Governor, or by election of the General Assembly ; also the names of the Trustees elected by the bondholders, and the general officers of the Trust. It will be remembered, on reference to the table, that while there have been many changes in the office of State Trustee, within the period of the trust, there has been but a single change in those elected by the bondholders, and that was caused by the sudden and lamented death of Thomas H. Blake, on the 28th November, 1849, at Cincinnati, on his return from Washington, where he had been on the business of the Trust. His place was supplied by the election of Thomas Dowling, resident Trustee, on the 10th of April, 1850, who, with his associate, by successive re-elections by the bondholders, have held their office until the present time.

At the time of the organization of the Board in June, 1847, Jacob H. Hagar, Esq., of Terre Haute, was appointed Chief Clerk, and Secretary in charge of the books and accounts, and Jesse L. Williams, Esq., of Ft. Wayne, Chief Engineer, in general charge of the Canal and the works of construction.

William J. Ball, Esq., of Terre Haute, was appointed Assistant Engineer, and had immediate charge of the construction of that

portion of the Canal from Terre Haute to Evansville, under the direction and supervision of the Chief Engineer.

The two gentlemen first named have continued in connection with the Trust, and in the active and faithful discharge of their duties from its very beginning until the present time. Mr. Ball's services terminated some time after the completion of the Canal to Evansville, and not until it was finally abandoned, for the reasons fully set forth in the reports of the Trustees to the General Assembly at the time. The last services rendered to the Trust by this accomplished Civil Engineer, previous to his death in 1874, will be found in his able and exhaustive report on the water power of the Wabash and Erie Canal, and the leases thereof, made in July, 1871, and February, 1872, at the request of the Trustees, and appended to their report for the year 1871. These documents are of permanent interest on the subject to which they relate. That the Trustees have always acted in perfect accord and with unanimity, is attested by their reports, made from year to year to the General Assembly.

The lands included in the Vincennes District were to be applied specifically to the construction of the Canal south, between Terre Haute and Evansville, and to the repayment of the bondholders' advance of \$815,900, with interest at six per cent. thereon. This grant from Congress contained 793,485 acres. They were classified and appraised under the direction of the Governor of the State, (Gov. Whitcomb), in three classes. The first class were by the express provisions of the act, by which the Board were bound, subject to sale at a price *not exceeding* \$2.50 per acre, the second class *not exceeding* \$2.00, and the third class *not exceeding* \$1.25 per acre. In the classification there were—

In the 1st class.....	172,608	acres at \$2.50	\$ 431,720
In the 2d class .....	561,614 $\frac{48}{100}$	acres at 2.00	1,123,228
In the 3rd class .....	59,361 $\frac{24}{100}$	acres at 1.25	74,201
<hr/>			<hr/>
793,583 $\frac{72}{100}$			\$1,629,149

The total value of the grant, according to the appraisal, was \$1,629,149. They have nearly all been sold for about \$2.00 average per acre, and, by the accounts rendered, it appears that these lands are credited with \$1,563,121.98 for purchase money paid in for them. The balance is represented by lands in the reservoirs, and by balance due per lands contracted, and lands remaining unsold in the District.

It is proper to state that a number of acres of the land in the Vincennes District, were lost by failure of title, the lands having been previously sold by the United States. The Trustees append hereto a statement of receipts and disbursements on account of the Trust, from the origin of the Trust to the present time, showing the source from whence the receipts were derived, and what account and for what objects and purposes the same have been disbursed, the vouchers and accounts verifying this statement are in the office of the Trustee. Also, a statement of receipts and disbursements from December, 1873, to December, 1874. Also, a statement of sale of lands in Vincennes District.

#### CANAL LANDS.

There have been sold, as appears by the annual report of 1874, of the Canal Lands, in the Vincennes District, 1,089 90-100 acres, for the sum of \$2,441.28. Of the lands east and west of Tippecanoe, of which there is a small balance of \$3,506.29 yet remaining unpaid, there has nothing been paid during the past year. Indeed of the above apparent balance it is doubtful if any of it will ever be received, as the amounts apparently due have been on the books since the commencement of the Trust.

The balance remaining unsold of the lands in the Vincennes Land District is valued at \$47, 623.24.

The amount of the Suspended Debt yet unpaid, but in process of collection, is \$23,115.21.

The total assets of the Trust are, therefore—

Cash balance December 1, 1874.....	\$41,107 99
Lands in Vincennes district, valued at.....	29,623 24
Lands east and west of Tippecanoe, valued at.....	3,506 29
Suspended debt.....	23,115 21
Total.....	<hr/> \$97,352 73

The balance on hand in cash is on deposit in one of the banks in Terre Haute.

CHAS. BUTLER,  
JAMES S. HINTON,  
THOS. DOWLING.

Trustees' office, Wabash and Erie Canal, }  
Terre Haute, January 20, 1875. }

*Total of Receipts.*

## DISBURSEMENTS.

General expenses, including salaries of Trustees and Clerks, attorneys, office expenses, etc.....	\$373,652 18
Ordinary repairs of Canal .....	631,000 05
Extraordinary repairs of canal .....	211,411 11
Rebuilding bridges .....	28,112 49
Superintendence .....	91,571 46
Cost of collection .....	82,046 43
Construction, Covington to Coal Creek.....	5,495 51
“ Coal Creek to Terre Haute .....	383,477 84
“ Terre Haute to Point Commerce .....	378,073 79
“ Point Commerce to Newberry.....	158,954 78
“ Newberry to Maysville.....	178,519 40
“ Maysville to Evansville.....	979,036 67
Damages and water power.....	111,865 39
Clinton Drawbridge .....	17,314 45
Engineering.....	114,046 78
Land Office, Vincennes District.....	16,565 76
Land Office, east and west of Tippecanoe .....	23,881 32
Office, house and lot.....	8,000 93
Suspended debt and refundings.....	81,168 92
Interest paid in advance by bondholders and other-wise .....	605,370 93
Principal paid of advance by bondholders .....	244,940 00
Interest paid in Wabash and Erie Canal stock .....	112,439 18
Principal of four original Wabash and Erie Canal bonds, with interest.....	14,432 37
<b>Total .....</b>	<b>\$4,850,377 74</b>
<b>Balance on hand December 1, 1874.....</b>	<b>\$41,107 99</b>

*General Statement of Receipts and Disbursements by the Board of Trustees of the Wabash and Erie Canal, from the commencement of the Trust, from the 1st of July, 1847, to the 1st day of December, 1874.*

## RECEIPTS.

Toll and water rents.....	\$1,657,710 42
Lands east and west of Tippecanoe.....	683,299 68

Lands in Vincennes District.....	1,563,121 98
Bondholders' subscription.....	815,900 00
Interest and exchange .....	63,185 88
Suspended Debt account .....	58,799 78
Rent paid by contractors.....	21,887 50
Office, house and lot.....	7,646 99
Wabash and Erie bonds (original).....	16,447 24
Miscellaneous.....	3,480 26
Total receipts.....	<u>\$4,891,485 73</u>

There was also received in script, east and west of Tippecanoe, principal and interest, \$158,179.21.

*Statement of Receipts and Disbursements of the Board of Trustees of the Wabash and Erie Canal, from December, 1873, to December 1, 1874.*

#### RECEIPTS.

##### *From what sources.*

Balance on hand, as per last report.....	\$21,456 00
Suspended debts.....	23,115 21
Lands in Vincennes District .....	10,441 28
Miscellaneous.....	500 00
Total.....	<u>\$55,512 49</u>

#### DISBURSEMENTS.

##### *On what account.*

General expenses of Trust, including salaries of Trustees, Clerks, office rent and attorneys' fees .....	\$13,080 00
Chief Engineer.....	1,200 00
Lands east and west of Tippecanoe.....	124 50
	<u>\$14,404 50</u>
Balance on hand December 1, 1874.....	<u>\$41,107 99</u>

On November 30th, 1869, there was charged to the Board of Trustees \$10,000, as collected from Suspended Debt, and also charged to Charles Butler, Trustee, New York. This amount was erroneously charged him, and the mistake was not discovered for some years, and is now deducted from the balance reported to the Governor last year.

*Statement of sales of Lands in the Vincennes District, from the first day of December, 1873, to the first day of December, 1874.*

DATE.	First Class. \$2.50 per acre.	Second Class. \$2.00 per acre.	Third Class. \$1.25 per acre.	No. of Acres.	Total purchase money.
December, 1873*.....	.....	.....	.....	.....	.....
January, 1874*.....	.....	.....	.....	.....	.....
February, 1874.....	200.00	.....	.....	200.00	\$500 00
March, 1874.....	.....	240.00	.....	240.00	400 00
April, 1874*.....	.....	.....	.....	.....	.....
May, 1874*.....	.....	.....	.....	.....	.....
June, 1874.....	280.00	106.94	.....	386.94	913 88
July, 1874.....	5.00	40.00	.....	45.00	92 50
August, 1874.....	37.96	180.00	.....	217.96	454 90
September, 1874*.....	.....	.....	.....	.....	.....
October, 1874*.....	.....	.....	.....	.....	.....
November, 1874*.....	.....	.....	.....	.....	.....
Total.....	522.96	566.94	.....	1,089.90	\$2,441 28

\*No Sales.

*Table showing the Officers comprising the Board of Trustees of the Wabash and Erie Canal from its organization, in 1847, to the present time, each for the term of three years, except Mr. Palmer.*

	NAMES.	COUNTY.	HOW APPOINTED.
1	N. B. Palmer .....	Marion.....	By Governor .....
2	Austin M. Puett.....	Parke.....	By Legislature.....
3	Wm. R. Nofsinger...	Parke.....	"
4	Benj R. Edmonston*	Dubois.....	"
5	G. G. Barton.....	Daviess .....	"
6	Richard Raleigh.....	Vanderburgh ...	"
7	Jos. S. Hanna*.....	Tippecanoe .....	"
8	David M. Dunn.....	Cass .....	"
9	Robt. H. Milroy.....	Carroll.....	"
10	Jas. V. Mitchell.....	Morgan .....	"
11	Jas. S. Hinton.....	Marion .....	"
1847	Charles Butler .....	New York.....	By Bondholders....
1847	Thos. H. Blake*.....	Terre Haute.....	"
1850	Thos. Dowling .....	Terre Haute .....	"
1847	J. L. Williams .....	Chief Engineer..	By Trustees.
1847	J. H. Hager .....	Chief Clerk.....	"

\*Died during time of service.

#### CHIEF ENGINEER'S REPORT.

OFFICE OF CHIEF ENGINEER,  
FORT WAYNE, December 16, 1874.

*To the Board of Trustees of the Wabash and Erie Canal:*

GENTLEMEN:—The most marked event connected with the management of the Canal during the year 1874, was the total abandonment, in January last, of the important contract for repairs, made by the Board, 23d June, 1866, with Messrs. A. P. Edgerton, Reed Case, Luther Jewett, and other parties of means and character, residing at Lafayette, Fort Wayne, and intermediate points, whose business interests connected them with the Canal.

This method of maintaining the Canal by repair contracts was forced upon the Board as early as 1859. It was then adopted as an expedient, affording the surest reliance for maintaining the Canal with its limited revenues, and the Trustees were careful to select, as



contractors, only men of character and those whose interest in the business of the Wabash Valley, would be likely to prompt them to the use of the utmost economy and care. The Trustees were also careful to retain the control, to be exercised through their Chief Engineer, (also an officer of the Trust,) of the plan and the time of making permanent repairs and the rebuilding of structures.

By reference to former reports, it will be seen that the first repair contract was made May 13, 1859. Among the parties to this contract, were A. P. Edgerton, Pliny Hoagland, Hugh McCulloch, O. Bird, and others. This contract was afterwards renewed with the same parties December, 1861, with certain modifications calculated to strengthen the work by authorizing the investment of capital in boats and otherwise, and was extended to 1873.

But the great floods in the Wabash in the early part of 1866, so damaged the large dam at Delphi, and several aqueducts and other structures, that the parties mentioned were unable and unwilling to repair the work, and this led to the consummation of the contract first above referred to, which was executed in June, 1866, and under which new parties were added to the original company by mutual agreement, "with large means and more extended business intests," as before stated.

The abandonment of their contract, just before the opening of navigation, greatly embarrassed those in charge of the Canal. It was manifestly out of their power to arrange a contract with new parties at so late a period with any promise of success.

Having thus been compelled to abandon the system of repair contracts, and fall back again to the former method, I have thought best to make this brief reference to the several contracts made since 1859, which contracts will be found fully set forth in the reports of the Board under their respective dates.

Under the circumstances, the policy adopted by the Trustees was manifestly the best possible, to-wit, the appointment of a General Superintendent, to take entire charge of the collection of tolls and water rents, and expend the same along the line as far west as the means available would open the work. Wilson Smith, who was appointed Superintendent, is well fitted for these duties by his long experience on the Canal, and his well known integrity and sound practical judgment.

Mr. Smith is now making his last tour of inspection through the entire Canal for the purpose of settling the accounts for the year, and will in a few days report the details of his supervision.

In the condition of the Canal, as herein stated, the amount of tolls and water rents received is, of course, small, amounting to \$7,179.61. The sum expended for repairs and salaries of Superintendent and those who have assisted him during the year, is \$5,997.03.

I am gratified to state that the re-building of the St. Mary's Aqueduct, at Fort Wayne, to the necessity of which reference has been made in several of my last reports, has been accomplished in a satisfactory manner during the past summer, under the immediate supervision of the General Superintendent, and in accordance with the plan prepared by the Chief Engineer several years ago. It may now be considered a substantial and safe structure for twelve or fifteen years to come. The means to rebuild this aqueduct were furnished by the Commissioners of Allen county.

The head-gates of the guard lock at St. Joseph Feeder have also been recently rebuilt. One of the abutments of the St Joseph Feeder Dam was rebuilt two years ago, and is in good condition, but the other one must be rebuilt the coming season.

The Trustees are, however, fully advised of the decayed condition of many of the wooden structures on the entire length of the Canal. They have been temporarily repaired as the limited means would allow, while the rebuilding has been necessarily postponed in many cases. Now the time has come when the general rebuilding should be undertaken. This necessity, however, applies chiefly to the class of smaller structures, together with many of the wooden locks, while the important dams and aqueducts are generally in good condition. All of the locks, stone and wood, need new plank floors and the side walls of all the wooden locks must be replanked, and many of the crib walls largely rebuilt. The Canal, in many places, needs thorough dredging. This would add materially to the practical load which the boats could carry.

From an estimate made, it is believed that \$550,000 would pay the expense of a full renewal of all the wooden structures, and also a thorough dredging of the Canal, from the State Line to Terre Haute, or \$450,000 if opened no further, at the commencement of any new contract, than to the excellent coal mines at the mouth of Coal Creek, thirty-six miles north of Terre Haute.

The number of boats owned and controlled on the Canal continues to diminish and it is not probable that many will be built

until there shall be a more assured prospect of keeping up the work.

The business of the Canal for the past year has been confined almost entirely to local transportation. No through cargoes have cleared for Toledo from any point south of Huntington, a portion of the Canal between Huntington and Peru not having been opened for lack of means. Not only were the tolls light, but the most of the counties seemed backward in donating money as heretofore, under the law providing therefor.

For further facts more in detail, I beg leave to refer the Board to the report of the General Superintendent.

Respectfully submitted,

J. L. WILLIAMS,  
Chief Engineer.

#### SUPERINTENDENT'S REPORT.

*To the Board of Trustees Wabash and Erie Canal:*

GENTLEMEN:—The Canal was opened for navigation from Roanoke to State line of Ohio, June 2d. The delay was caused by rebuilding St. Mary's Aqueduct.

*District No. 1, from Ohio Line to Huntington, 45 miles Canal, and 7 miles of St. Joseph Feeder.*

Allen county appropriated the money to rebuild the aqueduct, clean the Canal, repair some small breaks, and repair lock. Allen county paid for the year 1874, the sum of \$4,126.34. There was a discount on \$1,865 of Allen county orders, amounting to \$93.25, which was paid from tolls and water rents.

After July 1st, the repair expenses was paid in full from revenues.

The amount received from tolls and water rents amounts

to.....	\$2,607 18
Expenditures for same time.....	2,112 20

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Balance over expenses .....	\$ 494 98
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There is yet due the Canal fund on this District for tolls

and water rents, which will soon be collected, about.... \$ 600 00

On July 31st, the Commissioners of Huntington county appropriated \$2,500 to repair Canal through Huntington. The repairs

were made and water let into the Canal as far as the forks of the Wabash, on the 20th of August. Owing to the amount of grass in the Canal, and the leaky condition of locks and aqueducts, navigation was not good till about the 1st of October, after which about 30,000 or 40,000 bushels of grain have been taken by boats from Huntington.

Besides paying for opening Canal, Huntington County has paid for rebuilding abutment at Forks of Wabash, four gates for Roanake locks, and two lock tenders, in all about \$1,268.38.

*District No. 2, from Huntington to Peru, 33 miles.*

Wabash County paid for repairing Lagro Dam, cost \$340, but refused to donate any money to clean Canal and mend breaks, and that portion of the Canal, from Wabash to Lagro, has been without water all summer. This District yielded no revenue from tolls, and the only water power is the Wabash Mill. The settlement has not been made with the mill, but the receipts and expenditures will be about equal.

*District No. 3, Peru to Paragon Guard Lock, on slack water, 42 miles.*

On this district there was no aid from counties, and, as there could not be through navigation, the receipts were necessarily light, only ..... \$873 32  
Expenses..... 760 37

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Balance over expenses ..... \$112 95  
Water rents uncollected, about..... 250 00

*District No. 4, from Paragon Guard Lock to Attica, 41 miles.*

This District has some local trade, and quite a good water rent. Mr. Ten Eyck rendered very efficient aid in the management of this District.

The receipts on tolls and water rents amount to..... \$3,699 11  
The expenses to..... 3,114 46

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Balance over expenses..... 574 65

There is \$400 uncollected water rents in this District.

In addition to the above, on this district, the Superintendent made a contract with the owners of water powers at Pittsburgh to

rebuild a portion of the west abutment and the west side of the guard lock at Pittsburgh. Also to repair the Pittsburgh dam, and protect the lower end of the west abutment, and take cost of the work in water rent.

The work is all done, and cost \$1,018.85. The settlement has been made and receipts given to the different parties to cover their water rent till the amount is liquidated. By the division of the cost of this work, James Mathews paid \$216.29, which pays water rent on his woolen mill till the first day of May, 1875. Vander-volgen, Fisher and Gregg paid \$493, which pays water rent on their flouring and saw mill till the 1st of January, 1875. Johnson Ward paid \$310.56, which pays water rent on his saw and lath mill till the 1st of July, 1875.

The abstract account for the expenses of the entire Canal, with the voucher for the same in full, accompanies this report. The prospect of using the Canal for navigation another season is not encouraging. A portion of the structures are in good order and will last for several years. The St. Joseph dam, the east abutment of the same; the guard lock of St. Joseph feeders, the St. Mary's aqueduct, the dam and abutments at Forks of the Wabash, Lagro dam, Pittsburgh dam and guard lock, Paragon guard lock and Wild Cat guard lock are all in a good condition.

The lift locks, without exception, are in bad repair, and can not be used much longer without being repaired and replanked. The leakage is so great that the levels can not be kept up in their present condition. The canal is so badly filled on bottom and sides that there is not capacity for the water to flow nor boats to navigate successfully. On the night of November 5th, some person or persons cut the berm bank of the Canal immediately over the culvert at Rattle Snake, in Carroll county. As the Canal was full of water, it made a very serious break; the water undermined the foundation of the culvert, causing the falling of the arches, as well as washing away about one thousand yards of bank. This will be an extensive structure to repair, and will cost between two and three thousand dollars. As the Superintendent did not have the means to repair the breach, it remains untouched. It will not receive much damage from high water, as that portion remaining will have to be removed before rebuilding. The Superintendent would call the attention of the Board to the bad condition of the locks and bottom of canal, and will say that, without a single exception, every lock on the entire line, from the State line of Ohio to Terre Haute, is in bad

condition, and will have to be partially rebuilt and thoroughly repaired, and that the canal will have to be well cleaned before it will be of any benefit. It is entirely useless to expect it to be of any public good in its present condition. In addition to the bad condition of the locks, there are four aqueducts that will require rebuilding: the Spy Run aqueduct ten miles west of Ft. Wayne, the Flint Creek aqueduct, and the Eel River aqueduct, will soon have to be rebuilt. The Superintendent, in conclusion, has to say that there were many embarrassments attending the care of the canal the past season. The boatmen paid toll very reluctantly, and only in part. The low water, and poor condition of the canal, prevented us from being too rigid, as it was very desirable to avoid law suits. I gave the canal my entire attention, and this report shows the results.

Respectfully submitted.

WILSON SMITH,  
Supt. W. & E. Canal.

DECEMBER 17th, 1874.

N. B.—The aid received from the counties of Allen, Huntington, and Wabash, was only the unexpended portion of the appropriations of 1873.

The following report was made from the Committee on County and Township Business:

**MR. SPEAKER:**

Your committee to whom was referred House Bill No. 60, have directed me to report the same back to the House with the recommendation that it lie on the table, for the reason that there are other bills amending the same section.

Which report was concurred in.

House Bill No. 60, introduced by Mr. Clark, was reported back by the Committee on County and Township Business with the recommendation that it be laid on the table.

Said bill was so ordered.

Mr. Roseberry, from the Committee on County and Township Business, submitted the following report :

MR. SPEAKER :

Your committee to whom was referred House Bill No. 13, have directed me to report the same back to the House with the recommendation that it lie on the table, for the reason that there is a bill now before the House embracing the change asked for in this bill.

Which report was concurred in.

House Bill No. 13, introduced by Mr. Harris of Madison, was reported back by the Committee on County and Township Business with recommendation that it lie on the table.

Said bill was so ordered.

The following report was made from the Committee on County and Township Business :

MR. SPEAKER :

Your committee to whom was referred House Bill No. 3, have directed me to report the same back to this House with the recommendation that it do pass, and that the House be respectfully requested to take such action as it may deem proper, at its earliest convenience.

Which was concurred in.

Mr. Forkner offered the following amendment :

In line ten strike out "73" and insert "80;" in line eleven strike out "6" and insert "5."

Mr. Reno offered the following amendment to the amendment :

Amend by striking out "1880" and inserting "1875, and every six years thereafter."

Which amendment was lost.

Mr. Johnson of Carroll, moved to make it the special order for Monday next at 2 o'clock p. m.

Which motion did not prevail.

Mr. Horn moved to adjourn.

Which motion did not prevail.

Mr. Woody submitted the following amendment to the amendment offered by Mr. Forkner.

I move to amendment the amendment by striking out "80" and inserting "75."

Mr. Burson moved to postpone until next Wednesday at 2 o'clock p. m.

Which motion did not prevail.

The question being on the amendment to the amendment offered by Mr. Forkner.

Mr. Davis and Mr. Havens, demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Anderson, Barney, Brown of Rush, Clark, Dale, Darnall, Davisson, Davis, Fulk, Gossman, Harris of Wayne, Havens, Haynes, Heller, Hopkins, Horn, Jackson, Johnson of Carroll, Johnson of Dearborn, Keightly, Kennedy of Morgan, Leeper, Lincoln, Marvin of Boone, Megenity, Morgan, McFadden, McMichael, Pate, Patterson, Ramsey, Ragan, Reno, Ribble, Romine, Shaffer, Shortridge, Taylor of Davis, Thompson of Henry, Thompson of Marion, Twibill, Walz, Washburn, Woody and Wynn—45.

*Those who voted in the negative were*

Messrs. Ames, Arnold, Bellows, Bence, Burson, Caldwell, Cantley, Charters, Collins, Crumpacker, Edwards, Emerson, Evans, Favorite, Forkner, Gilbert, Harper, Harris of Madison, Heighway, Hen-



derson, Kennedy of Montgomery, Lanham, Law, Martin of Franklin, Martin of Wells, Miller of Parke, Miller of Vanderburgh, Montgomery, McCord, Nash, Osborn, Pyeatt, Pfafflin, Reeder, Rosberry, Shaw, Smith, Snyder, Taylor of Tipton, Thomas, Trusler, Waterman, Willett, Williams of Brown, Williams of Lawrence and Mr. Speaker—46.

So the amendment was lost.

The amendment as offered by Mr. Forkner was adopted, and the bill as amended ordered to be engrossed.

On motion of Mr. Havens the message from the Senate was taken up and the amendments to the resolution were adopted and the message concurred in.

On motion of Mr. Burson the House adjourned till 2 o'clock this afternoon.

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#### AFTERNOON SESSION.

The House met pursuant to adjournment, the Speaker in the chair.

The Chair resumed the call of the committees for reports.

Mr. Keightly, from the Committee on Cities and Towns, submitted the following report :

MR. SPEAKER:

Your Committee on Cities and Towns, to whom was referred House Bills Nos. 6, 52, 55, 140, and 183, report the same back with the recommendation that they pass.

Which report was concurred in.

House Bill No. 6, introduced by Mr. Kennedy of Morgan, was reported back by the Committee on Cities and Towns, with the recommendation that it pass.

Report concurred in, and Bill ordered to be engrossed.

House Bill No. 52, introduced by Mr. Caldwell, was reported back by the Committee on Cities and Towns, with the recommendation that it pass.

Report concurred in, and said bill ordered to be engrossed.

House Bill No. 55, introduced by Mr. Barney, was reported back by the Committee on Cities and Towns, with the recommendation that the bill pass.

Report concurred in, and said bill ordered to be engrossed.

House Bill No. 140, introduced by Mr. Darnall, was reported back by the Committee on Cities and Towns, with the recommendation that the bill pass.

Report concurred in, and said bill ordered to be engrossed.

House Bill No. 183, introduced by Mr. Leeper, was reported back by the Committee on Cities and Towns, with the recommendation that the bill pass.

Report concurred in, and said bill ordered to be engrossed.

Mr. Gilbert presented the following report :

**MR. SPEAKER :**

The group of committees consisting of the Committee on Judiciary, on Organization of Courts, on Banks, on Fees and Salaries, on Corporations and on Insurance, entitled jointly to one Clerk have directed me to notify the House that the Chairman of said committees have selected Thomas Collins as such Clerk.

Mr. Havens, from the Committee on Agriculture, submitted the following report :

MR. SPEAKER :

The Committee on Agriculture, to whom was referred House Bill No. 138, introduced by D. R. Leeper, entitled " An act for the destruction of wolves and foxes ; repealing all laws and parts of laws inconsistent therewith, and declaring an emergency," has had the same under consideration and hereby return the same with the recommendation that it be amended by striking out the words " twenty dollars " and that the same, when so amended, do pass.

Which report was concurred in.

House Bill No. 138, introduced by Mr. Leeper, was reported back by the Committee on Agriculture recommending that the bill pass.

And said bill as amended was ordered to be engrossed. .

The Committee on County and Township Business made the following report :

MR. SPEAKER :

The Committee on County and Township Business, to whom was referred House Bill No. 49, have had the same under consideration and beg leave to report the same back to this House with the unanimous recommendation that it pass.

Which report was concurred in.

House Bill No. 49, introduced by Mr. Williams of Brown was reported back by the Committee on County and Township Business with the recommendation that it pass.

The said bill was ordered to be engrossed.

The following report was made from the Committee on Agriculture.

MR. SPEAKER:

The Committee on Agriculture to whom was referred House Bill No. 109, entitled an "Act to provide for the removal of line fences in certain cases and prescribing the duties of Justices, Constables and applicants in relation thereto," has had the same under consideration and hereby return it with the recommendation that it pass.

Which was concurred in.

House Bill No. 109, introduced by Mr. Waterman, was reported back by the Committee on Agriculture with the recommendation that it pass.

Said bill ordered to be engrossed.

Mr. Havens from the Committee on Agriculture, made the follow-report:

MR. SPEAKER:

The Committee on Agriculture, to whom was referred House Bill No. 102, entitled an "Act to incorporate the Indiana Horticultural Society," and declaring an emergency, has had the same under consideration and direct me to return it to the House with the recommendation that it pass.

Which was concurred in.

House Bill No. 102, introduced by Mr. Ragan, was reported back by the Committee on Agriculture with the recommendation that it pass.

Said bill ordered to be engrossed.

Mr. Twibill presented a petition from citizens on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Bellows presented a petition from the City Council of Jeffersonville, Indiana, upon the subject of the abolition of the Criminal Circuit Court of the counties of Clarke and Floyd.

Which was referred to the Committee on the Organization of Courts of Justice.

Mr. Caldwell presented a petition of citizens of Clinton county on the subject of fees and salaries.

Which was referred to the Committee on Fees and Salaries.

Mr. Osborn presented a petition of the Synod of the Indiana Presbytery North, on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Davis presented a petition signed by James B. Keightly, and others, upon the subject of the repeal of the Criminal Court act in Floyd county.

Which was referred to the Committee of the Organization of Courts.

Mr. Forkner introduced

House Bill No. 201. A bill to amend section 12 of an act entitled "An act regulating the fees of officers and providing penalties for its violation, repealing certain acts therein named and providing duties to be performed by State, County, and Township officers, and matters properly connected therewith, and declaring an emergency," approved March 8, 1873.

Which was read a first time.

Mr. Forkner introduced House Bill No. 202. An act regulating the assessment, levy and collection of taxes by towns for the payment of interest and principal of bonds, and for other purposes.

Which was read a first time.

Mr. Clark introduced

House Bill No. 203. An act to authorize and empower manual labor schools organized and incorporated under the laws of this State to accept and execute indentures of apprenticeship, and to make such indentures transferable by such corporations, and prescribing the rights and duties of the transferee in case of such transfer.

Which was read a first time.

Mr. McFadden introduced

House Bill No. 204. An act providing for the relief of persons bound as surety on contracts in writing for the payment of money.

Which was read a first time.

Mr. Snyder introduced

House Bill No. 205. An act prescribing and regulating the practice in civil actions in the Courts of this State in cases therein named, cumulative to the laws now in force, prescribing certain rights and duties of parties, attorneys and courts, with penalties, repealing all laws conflicting with the provisions of this act and declaring an emergency.

Which was read a first time.

Mr. Willett introduced

House Bill No. 206. An act providing for the construction, in any county of any ditch, drain or water course that will be conducive to the public health, welfare or convenience, or of public benefit or utility; prescribing how the same may be done; the duties and powers of Boards of Commissioners, County Auditors and Treasurers for that purpose; providing for the levying and collection of the costs of the same as taxes upon the lands benefitted thereby; defining the obstruction of any ditch as a misdemeanor and providing penalty; defining the powers and duties of Township Trustees with ditches in their respective townships; repealing an act therein named, and declaring an emergency.

Which was read a first time.

Mr. Reno presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Walz introduced

House Bill No. 207. An act providing for the enclosure of lands subject to overflow.

Which was read a first time.

Mr. Burson introduced

House Bill No. 208. An act to amend an act entitled "An act prescribing the manner of empaneling petit jurors, the number and compensation thereof," approved May 20, 1852, to repeal all laws in conflict therewith, and declaring an emergency.

Which was read a first.

Mr. Edwards introduced

House Bill No. 209. An act for the better protection of fowls or small birds of this State.

Which passed to its second reading.

Mr. Reno asked for leave of absence till to-morrow for Mr. Burson, on account of sickness.

Which was granted.

Mr. Ramsey asked that leave of absence be granted Mr. Dale till Monday next at 2 o'clock p. m.

Which was granted.

Mr. Williams of Brown, asked for leave of absence for Mr. Johnson of Carroll, until to-morrow.

Which leave was granted.

Mr. Forkner asked that leave of absence be granted to Mr. Brown of Jasper, until to-morrow.

Which leave was granted.

Mr. McMichael asked for leave of absence for Mr. Snyder till Monday next, at 2 o'clock p. m., on account of sickness.

Which leave of absence was granted.

Mr. Keightly asked for leave of absence for Mr. Patterson until to-morrow at 2 o'clock.

Which leave of absence was granted.

Mr. Harris of Wayne, asked for leave of absence for Mr. Ratliff till Monday next.

Which leave of absence was granted.

Mr. Gilbert moved to reconsider the vote taken this morning on the report of Trustees of Wabash and Erie Canal.

Which motion did not prevail.

Mr. Montgomery requested leave of absence for Mr. Reddick of Rush, until to-morrow.

Which was granted.

Mr. Collins presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Reeder presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Shortridge introduced

House Bill No. 210. An act entitled an act amending an act entitled "An act regulating the fees of officers and providing penal-



ties for its violation, repealing certain acts therein named, and providing duties to be performed by State, county, and township officers, and matters properly connected therewith," approved March 18, 1873, and declaring an emergency.

Which was read a first time.

Mr. Pfafflin offered the following joint resolution :

WHEREAS, The improvement of river navigation is a question not only of local but of national importance, and that cheap, rapid, and reliable transportation of the products of the country is of vital and increasing interest to the inhabitants of the Valley of the Ohio, and

WHEREAS, The Ohio river, with its length of a thousand miles, and its course along the borders of six of the greatest cereal and mineral producing States of the Union, if its waters were properly controlled and utilized would form one of the nation's grandest highways ; and

WHEREAS, As we recognize the fact that the navigation of the Ohio river has become year by year more difficult, and this too while the territory along its course has become more densely populated ; and

WHEREAS, The demand for transportation on the Ohio river has increased, while the facilities have diminished ; and

WHEREAS, Navigation on said river is suspended from four to six months of the year by reason of shoals, bars and other obstructions, all attributable to the fact that its waters have not been controlled or directed ; and

WHEREAS, We have faith in the science of engineering and in the skill of the engineer corps of the United States, and their ability to remedy the untold evils and inconveniences resulting from suspended navigation if they are assisted by the General Government ; and

WHEREAS, We believe in the feasibility of the plan submitted by

the Engineer Corps of the United States, through the Secretary of War, for the improvement of the upper and lower Ohio ; therefore,

*Be it resolved, by the Senate and General Assembly of the State of Indiana,* That we earnestly solicit the attention of the Congress of the United States to the facts stated in the preamble of this resolution, that we are in favor of the improvement of the upper Ohio by a system of locks and dams as far as recommended by Messrs. Weitzel and Merrill of the Engineer Corps of the United States in their report to the Secretary of War, that we demand, in the name of the twenty millions of people inhabiting the Ohio and Mississippi valleys, of the Congress of the United States such an appropriation as will insure the improvement of the Ohio River, and to us the facilities of uninterrupted navigation ; that the discrimination of Congress in favor of railroads and against river improvement is wrong and detrimental to at least half of the people of the United States, and to the nation itself ; that our Senators and Representatives in Congress are requested to use all honorable means to secure an appropriation for the purpose hereinbefore stated, and

*Resolved,* That the Governor be, and is hereby, requested to furnish each of our Senators and Representatives in Congress, as soon as practicable with a copy of this resolution.

Which was read a first time.

Senate Bill No. 68, was read a second time.

Which was referred to the Committee on Judiciary.

House Bill No. 188, introduced by Mr. Darnall, was read a second time.

Which, on motion of Mr. Darnall, was referred to the Committee on Education.

House Bill No. 189, introduced by Mr. Favorite, was read a second time.

Which, on motion of Mr. Favorite, was referred to the Committee on Education.

House Bill No. 190, introduced Mr. Keightly, was read a second time.

Which, on motion of Mr. Keightly, was referred to the Committee on Roads.

House Bill No. 191, introduced by Mr. Turpie, was read a second time.

Which was referred to the Committee on Judiciary.

House Bill No. 192, introduced by Mr. Kennedy of Morgan, was read a second time.

Which, on motion of Mr. Kennedy of Morgan, was referred to the Committee on Agriculture.

House Bill No. 193, introduced by Mr. Crane, was read a second time.

Which, on motion of Mr. Crane, was referred to the Committee on Judiciary.

House Bill No. 194, introduced by Mr. Crane, was read a second time.

Which, on motion of Mr. Crane, was referred to the Committee on Judiciary.

House Bill No. 195, introduced by Mr. Morgan, was read a second time.

Which, on motion of Mr. Morgan, was referred to the Committee on Organization of Courts of Justice.

House Bill No. 196, introduced by Mr. Crane, was read a second time.

Which, on motion of Mr. Crane, was referred to the Committee on Judiciary.

House Bill No. 197, introduced by Mr. Shortridge, was read a second time.

Which, on motion of Mr. Darnall, was referred to the Committee on Fees and Salaries.

House Bill No. 198, introduced by Mr. Shaffer, was read a second time.

Which, on motion of Mr. Favorite, was referred to a select committee.

The Chair appointed Messrs. Henderson, Forkner and Johnston of Dearborn, as said committee.

House Bill No. 199, introduced by Mr. Harris of Wayne, was read a second time.

Which, on motion of Mr. Crumpacker, was referred to the Committee on Roads.

House Bill No. 200, introduced by Mr. Williams of Brown, was read a second time.

Which, on motion of Mr. Williams of Brown, was referred to the Committee on Roads.

The following message was received from the Senate :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following joint resolution, to-wit :

Engrossed Senate Joint Resolution No. 1. Instructing our Senators and requesting our Representatives in Congress to pension, by law, the soldiers of the Mexican war.

And the same is herewith transmitted to the House.

## Senate Joint Resolution No. 1.

*Resolved, by the General Assembly of the State of Indiana, That our Senators in Congress be instructed and our Representatives in Congress requested to use all their influence to secure the passage of a law granting, without favor or discrimination, to those who served in the Mexican war for a period of sixty days or more, and were honorably discharged, the small sum of eight dollars per month during their natural lives.*

On motion of Mr. Cantley, the message from the Senate was taken up and read a first time.

Mr. Edwards introduced

House Bill No. 211. A bill for the protection of sheep against dogs, etc.

Which was read a first time.

The Speaker laid before the House a memorial on the subject of stock running at large.

Which was referred to the Committee on Agriculture.

The Speaker laid before the House a memorial from Judge E. Powell.

Which was referred to the Committee on claims.

Mr. Edwards moved the House do now adjourn.

Which motion did not prevail.

Mr. Clarke presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

The Speaker asked that leave of absence be granted Messrs. Heller and Horn from to-morrow morning till Monday night next.

Which leave was granted.

Mr. Davis asked for leave of absence for Mr. Bellows till Monday next, at 1 o'clock.

Which was granted.

The House then took a recess of twenty minutes.

The 20 minutes having expired, the Speaker called the House to order.

Mr. Darnall moved that a committee of three be appointed to inform the Senate that the House was in waiting for the Senate in order to take up the special order.

Which prevailed.

The Speaker thereupon appointed Messrs. Darnall, Forkner and Johnson of Carroll, as said committee.

Mr. Lanham made a motion requesting parties, not members, to retire to the lobbies.

Mr. Martin of Wells, moved to lay the motion, of Mr. Lanham, on the table.

Which motion prevailed.

The Senate came into the Hall of the House of Representatives and was seated on the right of the Speaker's desk, when addresses were made by Mrs. Dr. Harvey, Mrs. Ex Gov. Wallace, Mrs. Avelin, Mrs. Robinson, and Miss. Hoyt.

On motion of Mr. Darnall, the House adjourned till to-morrow morning at 9 o'clock.

DAVID TURPIE,  
Speaker.

## FRIDAY MORNING.

JANUARY 22, 1875, 9 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

Mr. Williams of Brown, submitted report from Committee on County and Township Business, on House Bill No. 42.

Which was concurred in.

House Bill No. 42, introduced by Mr. Williams of Brown, was reported back by the Committee on County and Township Business, with recommendation that it pass.

And the bill was ordered to be engrossed.

Mr. Caldwell was called to the chair.

The Committee on Rights and Privileges submitted the following report:

MR. SPEAKER:

Your Committee, to whom was referred House Bill 132, return said bill, and recommend its passage.

Which was concurred in.

House Bill No. 132, introduced by Mr. Morgan, was reported back by the Committee on Rights and Privileges, with recommendation that it pass.

Which was ordered to be engrossed.

The following report was submitted from the Committee on Corporations:

MR. SPEAKER:

The Committee on Corporations, to whom was referred House

Bill No. 101, have had the same under consideration, and direct me to report said bill back to the House, with the following amendments:

1. Amend the title of the bill by adding the words "and for fraudulently removing property by them."

2. Amend the fifteenth section by striking out the following words in lines thirteen and fourteen, "shall, when convicted thereof, be deemed guilty of a crime," and in lieu thereof inserting the following, "shall be deemed guilty of a crime and upon conviction thereof shall."

3. Amend section sixteen so as to substitute the word "all" for the word "such" occurring last in line eight.

4. Amend section seventeen by inserting immediately after the word "grading," in line thirteen, the words, "and rates of compensation for inspection."

And said committee recommend that said bill when so amended do pass.

Which report was concurred in and the amendments adopted.

House Bill No. 101, introduced by Mr. Keightly, was reported back by the Committee on Corporations with amendments.

Which was ordered to be engrossed.

The following report from the Committee on Corporations was submitted:

MR. SPEAKER:

The majority of the Committee on Corporations, to whom was referred House Bill No. 89, introduced by Mr. Keightly of Marion county, being a bill to authorize the organization of Boards of Trade and other commercial organizations, herewith report the same back to the House of Representatives with amendments and



and recommend that it pass, as amended. Said amendments are as follows, to-wit:

1. That the title of the bill be amended to read as follows, viz:

“An act to authorize the organization of Boards of Trade and other commercial organizations, defining their powers, prescribing their duties, providing a penalty of forfeiture for violation of the provisions of this act, making provisions for matters properly belonging to this act, and declaring an emergency.”

That Section 3 be thus amended:

On page 7, in line 68, immediately after the word “county” insert: “*Provided, however,* that no such amendment shall be allowed or made which shall change the objects of any such association as defined in the original articles of association; nor add another and different object than those originally specified as herein required.”

That Section 8 be amended thus:

On page 15, in line 154, immediately after the word “That insert” any wilful violation of any of the provisions of this act, by any association or corporation, organized under or by virtue of this act shall forfeit all rights of such corporation or association acquired thereunder; and it may be proceeded against by information as by law in other cases provided.”

That Section 4 be amended thus:

On page 9, in line 88, immediately after the word “corporation,” insert “*Provided, however,* that the whole amount in value of all the real and personal property owned by any such association at any one time shall not exceed the sum of five hundred thousand dollars. That there be added thereto, after section 9, another section as follows, to wit:

SEC. 10. That any and all associations or corporations, organized under, or having existence by virtue of, this act, shall remain subject to the control of the General Assembly of the State of Indiana, and may be an act or law thereof, required and compelled.

That section be thus amended: On page 1, in line 7, immediately after word "signed," insert as follows, to-wit: "And acknowledged before some disinterested person authorized by law to take acknowledgment of deeds and mortgages."

That there be added thereto, after section 8, another section, to read as follows, to-wit:

"SEC. 9. That the provisions of this act shall not authorize the organization of any banking, insurance, telegraph, mining, manufacturing, warehouse, or transportation company."

To make a report of all its proceedings to any General Assembly of this State, and any General Assembly of this State may by law repeal this act, and require and compel the dissolution and settling up of all corporations or associations organized under this act, within any period not less than three years after the passage of such repealing act.

That there be added another section after section 10, as follows, to-wit:

"SEC. 11. That whereas, there is now no law in force in this State authorizing the organization of Boards of Trade, it is therefore declared that an emergency exists for the immediate taking effect of this act, and the same shall be in force and take effect from and after its passage."

Which report was concurred in, and all of the amendments adopted.

House Bill No. 89, introduced by Mr. Keightly, was reported back by the Committee on Corporations with amendments.

Which was ordered to lie on the table and one hundred copies, with amendments, be printed.

The following message was received from the Senate :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representa--

tives that the Senate has passed the following concurrent resolution :

*Resolved by the Senate, the House concurring therein,* That the Chairman of the Senate and House Committees on Prisons be, and are hereby authorized, if they shall deem it necessary, to jointly procure a first class expert in the examination of books and accounts to accompany the two committees when they visit the Prisons, and that said committee be instructed, with the aid of such experts, to make a thorough and searching investigation of the books, accounts and business of said Prisons, and that the said committees are farther instructed to make a thorough investigation into all the business management and affairs of said Prison and treatment of the prisoners and also as to their sanitary condition, and for that purpose the committee are hereby authorized to send for persons and papers and to administer oaths, by their Chairman, and to examine the prisoners and officers of the Prison in relation to all matters involved in their investigation, and the same is herewith transmitted to the House.

The following report was submitted from the Committee on Roads :

MR. SPEAKER :

The Committee on Roads, to whom was referred House Bill No. 69, entitled " An act authorizing Boards of County Commissioners to construct and purchase gravel, macadamized or other improved roads," beg leave to report that they have had the same under consideration, and recommend its passage.

Which was concurred in.

House Bill No. 69, introduced by Mr. Kennedy of Montgomery, was reported back by the Committee on Roads with recommendation that it pass.

Which was ordered to be engrossed.

Mr. Twibill submitted a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Williams of Brown introduced

House Bill No. 212. An act to amend section thirty-four, of an act entitled "An act defining misdemeanors and prescribing punishments therefore," approved June 14, 1852.

Which was read a first time.

Mr. Williams of Brown, submitted a memorial.

Which was referred to the Committee on Agriculture.

Mr. Waterman introduced

House Bill No. 213. An act to legalize the taxes for 1874, of the incorporated town of Auburn, in Dekalb county, Indiana, and the proceedings of the proper officers in relation thereto and to empower the proper officer to collect said taxes and declaring an emergency.

Which was read a first time.

Mr. Waterman submitted a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Osborn submitted memorial on the subject of insurance.

Which was referred to the Committee on Insurance.

Mr. Davis submitted a petition.

Which was referred to Committee on Organization of Courts.

Mr. Clark submitted a petition on temperance.

Which was referred to the Committee on Temperance.

Mr. Clark introduced

House Bill No. 214. A bill to amend section fifty, of an act entitled an "Act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved, June 11, 1852.

Which was read a first time.

Mr. Thompson of Henry, introduced

House Bill No. 215. A bill to amend section ten, of an "Act providing for the election and qualification of Justices of the Peace and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Which was read a first time.

Mr. Thompson of Henry, introduced

House Bill No. 216. A bill to amend section three, of an "Act prescribing the powers and duties of Justices of the Peace in State prosecution, approved," May 29, 1852.

Mr. Darnall presented a memorial from Alfred Hoffeld and Michael Doherty, on the subject of the abolition of the Criminal Court of Floyd and Clarke counties.

Which was referred to the Committee on Organization of Courts of Justice.

Mr. Shaffer introduced

House Bill No. 217. An act concerning the organization of plank, macadamized, and gravel road companies, the construction of their roads and the assessment of taxes for the same, and declaring an emergency.

Which was read a first time.

Mr. Law presented the claim of John Richardson.

Which was referred to the Committee on Claims.

Mr. Wynn presented the following resolution :

WHEREAS, The Doorkeeper of this House has rented of the proprietors of the Hotel Bates committee rooms furnished and cared for by said proprietor ; therefore,

*Resolved*, That the Doorkeeper be, and is hereby instructed to dismiss the janitors appointed for that purpose.

Which was adopted.

Mr. Williams presented a petition from citizens of Lawrence county on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Burson introduced

House Bill No. 218. An act to enable the owners of wet lands to drain and reclaim them when the same can not be done without affecting the lands of others, etc.

Which was read a first time.

Mr. Pate presented a petition of citizens of Switzerland county on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Barney requested that leave of absence be granted to Mr. McMichael until Monday evening, on account of illness in his family.

Which leave of absence was granted.

Mr. Miller of Parke, asked for leave of absence for Mr. Emerson until Monday next, on account of illness in his family.

Which leave of absence was granted.

Mr. Anderson introduced

House Bill No. 219. An act to amend the one hundred and fifty-third section of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith providing penalties thereon prescribed.

Which was read a first time.

Mr. Pfafflin introduced

House Bill No. 220. A bill providing for the incorporation of companies for the purpose of constructing bridges for railway or common roadway purposes on both over rivers and steamers forming the boundaries of the State of Indiana, or a part thereof, and declaring an emergency.

Which was read a first time.

Mr. Kennedy of Montgomery county, presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Leave of absence was granted to Mr. Glasgow for one week on account of sickness.

The Speaker laid before the House a memorial from Job R. Pendleton.

Which was referred to the Committee on Education.

Mr. Thompson of Marion, presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Cantley moved to suspend the rules and that Senate Joint Resolution No. 1 be read a third time and put upon its passage.

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bence, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Darnall, Davisson, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Hender-

son, Hopkins, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightley, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, Morgan, McCord, McFadden, Nash, Osborn, Pate, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Smith, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trussler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr. Speaker—86.

So the rules were suspended and the following resolution read a third time.

Senate Concurrent Resolution :

*Resolved, by the Senate, the House concurring therein, That the Chairmen of the Senate and House Committees on Prisons, be and they are hereby authorized, if they shall deem it necessary, to jointly procure a first-class expert in the examination of books and accounts to accompany the two Committees when they visit the Prisons, and that said Committees be instructed, with the aid of such expert, to make a thorough and searching investigation of the books, accounts and business of said Prisons, and that the said Committees are further instructed to make a thorough investigation into all the business management and affairs of said Prisons, and treatment of the prisoners, and also as to their sanitary condition ; and for that purpose, the Committees are hereby authorized to send for persons and papers, and to administer oaths by their Chairmen, and to examine the prisoners and officers of the Prison, in relation to all matters involved in their investigation.*

Mr. Shaffer offered the following amendment :

Strike out the words “ procure a first-class expert and accountant to accompany the two committees when they visit the Prisons.”

Which motion did not prevail.



The question now being, shall the resolution pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bence, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crane, Crum-packer, Darnall, Davisson, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Hopkins, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, Nash, Osborn, Pate, Peyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Smith, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn, Mr. Speaker—87.

No one voting in the negative.

So the resolution passed.

House Bill No. 201, introduced by Mr. Forkner, was read a second time.

Which, on motion of Mr. Forkner, the bill was ordered to be engrossed.

House Bill No. 202, introduced by Mr. Forkner, was read a second time.

Which, on motion of Mr. Forkner, was referred to the Committee on Cities and Towns.

House Bill No. 203, introduced by Mr. Clark, was read a second time.

Which, on motion of Mr. Clark, was referred to the Committee on Rights and Privileges.

House Bill No. 204, introduced by Mr. McFadden, was read a second time.

Which, on motion of Mr. McFadden, was referred to the Committee on Rights and Privileges.

House Bill No. 205, introduced by Mr. Snyder, was read a second time.

Which, on motion of Mr. Havens, was referred to the Committee on Judiciary.

House Bill No. 206, introduced by Mr. Willett, was read a second time.

Which, on motion of Mr. Willett, was referred to the Committee on Dains and Dykes.

House Bill No. 207, introduced by Mr. Walz, was read a second time.

Which, on motion of Mr. Walz, was referred to the Committee on Agriculture.

House Bill No. 208, introduced by Mr. Burson, was read a second time.

Which, on motion of Mr. Burson, was referred to the Committee on Judiciary.

House Bill No. 209, introduced by Mr. Edwards, was read a second time.

Which, on motion of Mr. Edwards, was referred to the Committee on Agriculture.

House Bill No. 210, introduced by Mr. Shortridge, was read a second time.

Which, on motion of Mr. Davis, was referred to the Committee on Fees and Salaries.

House Bill No. 211, introduced by Mr. Edwards, was read a second time.

Which, on motion of Mr. Lanham, was referred to the Committee on Agriculture.

House Joint Resolution No. 6 was read a second time.

Which, on motion of Mr. Crumpacker, was ordered to be engrossed.

Mr. Davis of Floyd, presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Bence moved that the House go into Committee of the Whole for the purpose of receiving temperance petitions.

Which motion prevailed.

Messrs. Clark, Nash, Marvin of Fountain, Bence, Harris of Madison, Lanham, Havens, Taylor of Tipton, Heighway, Trusler, Harris of Wayne, Anderson, Fulk, Caldwell, Edwards, Pyeatt, McMichael, Brown of Rush, Arnold, Marvin of Boone, Crane, Smith, Collins, Roseberry, Kennedy of Morgan, Thompson of Marion, Jackson, Williams of Brown, Cantley, McFadden, Pfafflin, Twibill, Morgan, Martin of Wells, Reddick, Megenity, Kennedy of Montgomery and Wynn, presented petitions on the subject of temperance from the ladies of their counties.

Which was referred to the Committee on Temperance.

Mr. Arnold moved to adjourn.

Which motion did not prevail.

Mr. Marvin of Boone, asked for leave of absence for Mr. Kennedy of Montgomery till Monday next.

Which was granted.

On motion of Mr. Crumpacker the House adjourned till this afternoon at 2 o'clock.

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AFTERNOON SESSION.

The House met pursuant to adjournment, the Speaker in the chair.

Mr. Darnall moved to take up engrossed House Bill No. 44, and place the same upon its passage.

Which motion prevailed.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Charters, Clark, Collins, Crane, Crumpacker, Darnall, Davisson, Davis, Edwards, Evans, Favorite, Fulk, Gilbert, Harper, Harris of Wayne, Haynes, Heighway, Hopkins, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Morgan, Lanham, Law, Martin of Wells, Marvin of Fountain, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, Nash, Osborn, Pate, Pyeatt, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Smith, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn, and Mr. Speaker—73.

*Those who voted in the negative were,*

Messrs. Gossman, Havens, Leeper, Martin of Franklin, Marvin of Boone, Megenity, Ramsey and Trusler—8.

Mr. Ragan moved that House Bill No. 62 be taken from the table and ordered to its engrossment.

Which motion did not prevail.

Mr. Havens moved that House Bill No. 129 be read a third time and placed upon its passage.

The motion prevailing.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bence, Brown of Jasper, Brown of Rush, Caldwell, Charters, Clark, Collins, Crane, Crum-packer, Darnall, Davisson, Evans, Favorite, Fulk, Gilbert, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Hopkins, Jackson, Johnson of Carroll, Keightly, Kennedy of Marion, Kennedy of Morgan, Lanham, Law, Leeper, Martin of Franklin, Martin of Wells, Miller of Vanderburgh, Montgomery, McCord, McFadden, Osborn, Pate, Pyeatt, Pfafflin, Ribble, Romine, Shaffer, Shaw, Shortridge, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Twibill, Walz, Washburn, Waterman, Willett, Woody and Wynn—62.

*Those who voted in the negative were,*

Messrs. Cantley, Edwards, Johnston of Dearborn, Lincoln, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Morgan, Nash, Ramsey, Ragan, Reddick, Reeder, Reno, Roseberry, Smith, Trusler, Williams of Brown, Williams of Lawrence—20.

Engrossed House Bill No. 129. An act to amend an act entitled 'An act to incorporate the Indiana Fire and Marine Insurance Company and declaring an emergency.'

Which was put on its third reading and passed.

H. J.—19

Mr. Bence introduced

House Bill No. 221. An act to establish a State Board of Health, to provide for the appointment of a Superintendent of vital statistics, and to assign certain duties to local Boards of Health.

Which was read a first time.

Mr. Burson moved to lay House Bill No. 221 on the table.

Which motion prevailed.

So the bill was ordered to lie on the table.

Mr. Johnston of Dearborn, presented the following resolution :

*Resolved*, That the Secretary of State be directed to furnish to the Chairman of the Select Committee on the Affairs of the O. & M. R. R., a copy of the charter of said O. & M. R. R. Co.

Which resolution was adopted.

Mr. Davis moved a reconsideration of the vote taken, by which House Bill No. 221 was tabled.

Which motion prevailed, and the bill was passed to its second reading.

Mr. Keightly offered the following resolution :

*Resolved*, That the Clerk of the House be authorized to return all claims not allowed by the Committee on Claims, to the rightful owners of same.

Which was adopted.

Leave of absence was granted to Mr. Collins until Tuesday next, at 2 o'clock p. m.

Leave of absence was granted to Mr. Henderson, untill Monday next.

Leave of absence was granted to Mr. Brown of Jasper, until Monday next.

The Chair appointed Messrs. Henderson, Johnston of Dearborn, and Forkner, as a Select Committee, as asked for in the resolution of Mr. Henderson, respecting the O. & M. R. R.

Leave of absence was granted to Mr. Harris of Madison, until Monday next.

Leave of absence was granted to Mr. Pate until Monday next.

Mr. Caldwell presented a petition on the subject of fees and salaries.

Which was referred to the Committee on Fees and Salaries.

Mr. Keightly presented a petition on the subject of protection of game.

Which was referred to the Committee on Agriculture.

On motion of Mr. Havens the House adjourned until Monday next at 2 o'clock p. m.

DAVID TURPIE,  
Speaker.

## MONDAY AFTERNOON.

JANUARY 25, 1875, 2 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

The Journal of Friday was read in part, when on motion of Mr. Crumpacker, the further reading was dispensed with.

Leave of absence was granted Mr. Lanham until Thursday on account of a death in his family.

Leave of absence was granted Mr. Davis until to-morrow on account of sickness in his family.

Mr. Smith was granted leave of absence until to-morrow on account of disconnection of trains.

Mr. Anderson was granted leave of absence until to-morrow for the same reason.

The following report was made from the Committee on Claims :

MR. SPEAKER :

Your Committee on Claims, to whom was referred the claim of Luther R. Martin for \$50, report the same back with the recommendation that the claim be allowed, with interest from July 29, 1872, to present date, and one dollar for recording deed, the sum total being \$58.50.

Which was concurred in.

The following report from the Committee on Benevolent and Scientific Institutions was made :

MR. SPEAKER :

The Committee on Benevolent and Scientific Institutions, to whom was referred House Bill No. 144, have had it under consideration and have recommended that it be laid upon the table.

Which was concurred in.

The following report from the Committee on Engrossed Bills was submitted :

MR. SPEAKER :

The Committee on Engrossed Bills have carefully compared House Bills No. 3 and 42, and find them in all things correctly engrossed.

The following report from the Committee on Agriculture was submitted :

MR. SPEAKER :

The Committee on Agriculture, to whom was referred House Bill No. 112, beg leave to report that they have had the same under



consideration, and respectfully report the same back with the recommendation that it lay upon the table, and in lieu thereof would offer the accompanying bill with the recommendation that it shall pass.

Which report was concurred in.

The Committee on Agriculture offered the following substitute bill for House Bill No. 112:

An act amendatory to an act to amend Section 2 of an act entitled "An act to provide for the protection of wild game and defining the time in which the same may be taken or killed, and prescribing the penalty for violation of the same," approved March 11, 1867; and also providing for the protection of certain birds therein named, and their eggs, and affixing a penalty, which became a law without Executive approval on the 15th day of March, 1873, and declaring an emergency.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Section one of the above entitled act be, and the same is hereby, annulled.

SEC. 2. It shall be unlawful for any person to kill or injure or to pursue with intent to do so, any quail, blackbird, turtle dove, meadow lark, robin, mocking bird, blue bird, wren, sparrow, red bird, pewee, martin, thrush, swallow, oriole, yellow hammer, cat-bird, or to wantonly destroy or disturb the eggs or young of the birds protected by this act.

SEC. 4. Any person violating any of the provisions of this act shall, upon conviction, be fined in a sum not less than one, nor more than ten dollars.

SEC. 4. It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore the same will be in force from and after its passage.

Which was read a first time.

Mr. Edwards moved that the rules be suspended, and the bill read a second time.

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bearss, Bence, Brown of Rush, Caldwell, Cantley, Charters, Clark, Crumpacker, Darnall, Davisson, Favorite, Forkner, Fulk, Gilbert, Gossman, Harper, Harris of Wayne, Haynes, Heighway, Henderson, Hopkins, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Morgan, Law, Leeper, Lincoln, Martin of Franklin, Marvin of Boone, Marvin of Fountain, Miller of Parke, Miller of Vanderburgh, Morgan, McCord, McFadden, Osborn, Patterson, Pyeatt, Pfafflin, Ragan, Reddick, Reeder, Ribble, Romine, Roseberry, Shaw, Shortridge, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Walz, Washburn, Waterman, Willett, Williams of Brown, Woody, Wynn and Mr. Speaker—68.

*Those who voted in the negative were,*

Messrs. Burson, Evans, Glasgow, Harris of Madison, Kennedy of Montgomery, Martin of Wells, Megenity, Montgomery, Nash, Ramsey, and Williams of Lawrence—11.

Which motion prevailed.

The question being, shall the bill be engrossed?

Mr. Burson moved to leave out quail.

Which motion did not prevail.

Mr. Darnall moved to leave out black birds.

Which motion was lost.

Mr. Glasgow moved to re-commit to the Committee on Agriculture.

Mr. Crumpacker moved to lay the motion to re-commit on the table.

Which was so ordered.

Mr. Crumpacker moved to suspend the rules and place the bill on its passage.

Which motion prevailed.

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bence, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Crumpacker, Darnall, Edwards, Evans, Favorite, Forkner, Fulk, Gilbert, Gossman, Harper, Harris of Wayne, Haynes, Heighway, Henderson, Hopkins, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightley, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Law, Leeper, Lincoln, Martin of Franklin, Marvin of Boone, Marvin of Fountain, Miller of Parke, Miller of Vanderburgh, Morgan, McCord, McFadden, Osborn, Patterson, Pyeatt, Pfafflin, Ragan, Reeder, Ribble, Roseberry, Shaw, Shortridge, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Walz, Washburn, Waterman, Willett, Williams of Brown, Woody, Wynn and Mr. Speaker—66.

*Those who voted in the negative were,*

Messrs. Bearss, Davisson, Glasgow, Harris of Madison, Martin of Wells, Megenity, Montgomery, Nash, Ramsey, Reddick, Romine, Snyder, and Williams of Lawrence—13.

So the bill did not pass.

Thereupon the bill was ordered to be engrossed.

The following message was received from the Senate :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed Engrossed Bill No. 25 entitled " A bill to fix the time for holding courts in the Thirty-fourth Judicial Circuit."

And the same is herewith transmitted to the House for its action thereon.

Also, I am directed by the Senate to herewith transmit to the House of Representatives for the signature of the Speaker thereof, Enrolled Senate Joint Resolution No. 3, entitled "A joint resolution to make temporary provision for the public printing."

Also, Enrolled Senate Joint resolution No. 1. A joint resolution instructing our Senators and requesting our Representatives to use their influence to secure the enactment of a law allowing pensions to the soldiers of the Mexican war.

The following report from the Committee on Engrossed Bills was submitted :

MR. SPEAKER:

The Committee on Engrossed Bills have carefully compared House Bills Nos. 6, 26, 46, 49, 52, 55, 77, 78, 102, 109, 111, 123, 128, 138, 140, 156, 182, 183, with the original copies, and find them in all things correctly engrossed.

Which report was concurred in.

Engrossed House Bill No. 123, introduced by Mr. Burson, was reported back to the House by the Committee on Judiciary with recommendation that it pass.

Which was read a third time and passed. Ayes, 74 ; noes, 4.

House Bill No. 182, introduced by Mr. Harris of Wayne, was reported back by the Committee on Engrossed Bills with recommendation that it pass.

Said bill read a third time and passed. Ayes, 75 ; noes, none.

House Bill No. 140, introduced by Mr. Darnall, was reported back by the Committee on Engrossed Bills with the recommendation that the bill pass.

Which was read a third time and passed. Ayes, 77 ; noes, 3.

House Bill No. 144, introduced by Mr. Heller, was reported back by the Committee on Benevolent and Scientific Institutions with recommendation that it lie on the table.

Which was so ordered.

House Bill No. 6, introduced by Mr. Kennedy of Morgan, was reported back by the Committee on Engrossed Bills with the recommendation that it pass.

Said bill was read a third time and passed. Ayes 75, noes 4.

Mr. Forkner moved to take up House Bill No. 182 and have it read a third time.

Which was so ordered.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Armonld, Barney, Bearss, Bence, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Crumpacker, Darnall, Davisson, Edwards, Evans, Favorite, Forkner, Fulk, Gilbert, Gossman, Harris of Madison, Harris of Wayne, Haynes, Highway, Henderson, Hopkins, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Montgomery, Kennedy of Morgan, Kennedy of Marion, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Ribble, Romine, Roseberry, Shaw, Shortridge, Snyder, Taylor of Daviess, Thomas, Thompson of Marion, Thompson of Henry, Trusler, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn, and Mr. Speaker—77.

Mr. Williams of Brown, moved that there be added an emergency clause.

Which was adopted.

Mr. Darnall moved to take up House Bill No. 140 for a third reading.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Brown of Rush, Bursen, Caldwell, Cantley, Charters, Clark, Crumpacker, Darnall, Davisson, Davis, Edwards, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Haynes, Heighway, Henderson, Hopkins, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Ribble, Romine, Roseberry, Shortridge, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn, and Mr. Speaker—75.

*Those who voted in the negative were,*

Messrs. Bence, Marvin of Boone and Shaw—3.

So the bill passed.

Mr. Darnall moved to amend the title of the bill so as to include an emergency.

Which was adopted.

Mr. Montgomery of Morgan, moved that House Bill No. 6 be read a third time.

Which motion prevailed.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Crumpacker, Darnall, Davisson, Edwards, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Haynes, Heighway, Henderson, Hopkins, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Fountain, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reeder, Ribble, Romine, Roseberry, Shortridge, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trussler, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr. Speaker—72.

*Those who voted in the negative were,*

Messrs. Arnold, Bence, Marvin of Boone, Reddick and Shaw—5.

So the bill passed.

On motion the title of the bill was amended so as to include an emergency clause.

Mr. Leeper introduced

House Bill No. 223. An act to amend subdivision thirty-eight of an act to amend section fifty-three of an act entitled "An act to repeal all general laws now in force for the incorporation of cities and to provide for the incorporation of cities and prescribing their powers and rights and the manner in which they shall exercise the same and to regulate such other matters as properly pertain thereto," approved March 14, 1867, and declaring an emergency, approved March 10, 1873.

Which was read a first time.

Mr. Marvin of Boone was called to the chair by the Speaker.

Mr. Burson moved to take up House Bill No. 123, and have it read a third time.

Which was so ordered.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bence, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Crumpacker, Darnall, Davisson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Haynes, Heighway, Henderson, Hopkins, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Morgan, Kennedy of Montgomery, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reeder, Ribble, Romine, Roseberry, Shaw, Shortridge, Snyder, Taylor of Daviess, Thomas, Thompson of Marion, Trusler, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr. Speaker—74.

*Those who voted in the negative were,*

Messrs. Edwards, Kennedy of Marion, Reddick and Thompson of Henry—4.

So the bill passed.

Mr. Glasgow introduced

House Bill No. 224. A bill for an act to fix the time for holding court in the counties comprising the Thirty-fifth Judicial Circuit.

Which was read a first time.



Mr. Martin of Wells offered the following resolution :

*Resolved*, That it is the sense of the House of Representatives that no weekly adjournment of this House shall be for a longer time than from noon on Saturdays until 9 o'clock a. m. on the following Monday ; a longer adjournment, without special reasons, being a waste of time.

Which resolution was lost.

The following message was received from the Senate :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following concurrent resolution :

*Resolved by the Senate, the House concurring*, That a joint committee of two on the part of Senate and three on the part of the House be appointed to inquire into and report as to whether any legislation is necessary on the subject of the clerical force of the present General Assembly.

And the same is herewith transmitted to the House for its action thereon.

Mr. Jennings moved to adjourn.

Which motion did not prevail.

Mr. Twibill was granted leave of absence until to-morrow.

Mr. Marvin of Boone, submitted a petition on the subject of temperance from the citizens of his county.

Which was referred to the Committee on Temperance.

Mr. Williams of Brown, submitted a petition which was referred to the Committee on Fees and Salaries.

Mr. Caldwell of Clinton, submitted a petition, which was referred to the Committee on Fees and Salaries.

Mr. Waterman presented the following resolution:

WHEREAS, The Constitution of the State of Indiana provides that the General Assembly shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property both real and personal excepting such only for municipal, educational, literary, scientific, religious or charitable purposes as may be specially exempted by law, and

WHEREAS, It may well be questioned whether the spirit at least, if not the letter, of the foregoing provision of the Constitution is not violated by the present assessment law, in its provisions that require property both real and personal, shall be taxed on its full value, and also the evidences of debt where they exist, issued or created for all, or a part of the purchase money of such property, therefore, be it

*Resolved*, That the Committee on Rights and Privileges of the inhabitants of the State be instructed to give the foregoing provision of the Constitution in connection with the revenue laws of the State, an early and careful consideration of the end of that said provision of the Constitution be complied with in said revenue laws and report to this House by bill or otherwise.

Which was adopted.

Mr. Gossman of Dubois, submitted a petition on the subject of temperance from the citizens of Dubois county.

Which was referred to the Committee on Temperance.

Mr. Barney moved to take up House Bill No. 55.

Which motion did not prevail.

Mr. Trusler presented a petition.

Which was referred to the Committee on Roads.

Messrs. Marvin, Burson, Fulk, McCord, Morgan of Hendricks, Forkner, Williams of Lawrence, Thompson of Marion, Kennedy of Montgomery and Reeder, presented petitions on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Ragan introduced

House Bill No. 225. An act appropriating one thousand dollars per annum to the Indiana Horticultural Society, prescribing when and to whom it shall be payable, and how it shall be used by said Society.

Which was read a first time.

Messrs. Woody, Wynn and McFadden presented petitions on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Heighway offered the following resolution:

*Resolved*, That in the opinion of this House the law providing for the semi-annually payment of taxes should be repealed.

Which was adopted.

Mr. Keightly moved to take up House Bill No. 39.

Which motion did not prevail.

The Speaker presented a memorial on the subject of stock running at large.

Which was referred to the Committee on Agriculture.

The Chair laid before the House the following communication from the Governor:

STATE OF INDIANA,  
EXECUTIVE DEPARTMENT.

INDIANAPOLIS, January 25th, 1875.

*Hon. David Turpie, Speaker of the House of Representatives :*

SIR:—Governor and Mrs. Hendricks will give their second public reception at their residence, No. 407 North Tennessee street, this evening at 8 o'clock, at which time they will be pleased to see the members and officers of the House of Representatives with their families.

Very respectfully,

SAMUEL R. DOWNEY,  
Private Secretary.

Mr. Megenity presented a memorial.

Which was referred to the Committee on Organization of Courts of Justice.

Mr. Haynes introduced

House Bill No. 226. An act to encourage the destruction of wolves, foxes and wild cats, authorizing County Commissioners to pay a premium therefor, and declaring an emergency.

Which was read a first time

Mr. Roseberry introduced

House Bill No. 227. An act for the relief of Alexander D. Carmichael, Christopher C. Whisenand, James Dodd, and Jackson H. Clendenin, surety upon the bonds of John M. Stultz, former Trustee of Clear Creek Township, Monroe county, Indiana, and to authorize the proper officers to levy a sufficient tax to make up the deficit arising upon said Trustee's defalcation, and for other matters connected therewith.

Which was read a first time.

Mr. Burson introduced

House Bill No. 228. An act to regulate the laying and opening of highways along and upon section and townships lines, etc.

Which was read a first time.

Mr. Burson introduced

House Bill No. 229. An act defining certain misdemeanors and defining penalties therefore.

Which was read a first time.

Mr. Romine offered the following resolution :

*Resolved*, That the Committee on Fees and Salaries be requested to report to the House a bill providing for the reduction of the per diem of members of the Legislature at as early a day as practicable.

Which was adopted.

Messrs. Miller, Leeper and Jackson, {presented petitions on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Pfafflin introduced

House Bill No. 230. A bill to fix and determine the boundary line between the State of Indiana and Kentucky above and near Evansville, and making the same evidence and dispute, and declaring an emergency.

Which was read a first time.

Mr. Pfafflin introduced

House Bill No. 231. A bill to abolish the Twenty-eighth Judicial Circuit Court, Vanderburgh Criminal Circuit Court and to

transfer its business to the Circuit Court of Vanderburgh county, to provide for the jurisdiction of the Circuit Court of Vanderburgh county in cases of felony and misdemeanors and matters connected therewith and declaring an emergency.

Which was read a first time.

Mr. Martin presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

The following report was made from Committee on Enrolled Bills.

MR SPEAKER :

The Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his signature.

Senate Joint Resolution No. 1. Instructing our Senators and requesting our Representatives in Congress to pension by law the soldiers of the Mexican War, and

Senate Joint Resolution No. 3. A joint resolution to make temporary provision for the public printing.

Mr. Crumpacker moved to adjourn.

Which motion prevailed.

DAVID TURPIE,  
Speaker.

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TUESDAY MORNING,

JANUARY 26, 1875, 9 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

The House was opened with prayer by the Rev. Mr. Bradley.

The Journal of yesterday was read in part, and on motion of Mr. Fulk the further reading thereof was dispensed with.

Mr. Glasgow requested to be excused from service on the Committee on Education on account of sickness.

Which request was granted.

Leave of absence was granted Mr. Taylor of Tipton, until Monday on account of sickness.

Mr. Marvin of Boone, asked that Mr. Dale be excused for absence on yesterday afternoon.

Which excuse was granted.

The House proceeded to dispose of the business on the Speaker's desk.

Senate concurrent resolution of yesterday was read a third time.

Mr. Heller moved to indefinitely postpone.

Which motion did not prevail.

The question being, shall the resolution be adopted ?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Bence, Brown of Jasper, Brown of Rush, Burson, Cantley, Charters, Clark, Crane, Dale, Davison, Edwards, Emerson, Evans, Forkner, Gilbert, Glasgow, Harper, Harris of Wayne, Haynes, Highway, Hopkins, Jackson, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Leeper, Lincoln, Megenity, Miller of Parke, Montgomery, Morgan, McFadden, McMichael, Osborn, Pyeatt, Ramsey, Ragan, Reeder, Ribble, Romine, Shaffer, Shaw, Shortridge, Shugart, Smith, Snyder, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn, and Mr. Speaker—62.

*Those who voted in the negative, were*

Messrs. Barney, Bellows, Caldwell, Crumpacker, Darnall, Favorite, Fulk, Gossman, Harris of Madison, Havens, Heller, Henderson, Horn, Johnson of Carroll, Johnston of Dearborn, Law, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Miller of Vanderburgh, McCord, Nash, Patterson, Pfafflin, Reddick, Reno, Roseberry, Taylor of Daviess, Twibill and Walz—31.

So the resolution was adopted.

And the Speaker appointed Messrs. Heller, Havens and Darnall as said committee on behalf of the House.

House Bill No. 212, introduced by Mr. Williams of Brown, was read a second time.

Which, on motion of Mr. Williams of Brown, was referred to the Committee on Organization of Courts of Justice.

House Bill No, 213, introduced by Mr. Waterman, was read a second time.

Mr. Waterman moved its reference to a select committee of three.

Which motion did not prevail.

When, on motion of Mr. Wynn, the same was referred to the Committee on Cities and Towns.

House Bill No. 214, introduced by Mr. Clark, was read a second time.

And the same, together with the petition on the subject were referred to the Committee on Corporations.

Mr. Clark presented a petition on the subject of the incorporation of the town of Noblesville.

Which was referred to the Committee on Corporations.



House Bill No. 215, introduced by Mr. Thompson of Henry, was read a second time.

Which, on motion of Mr. Thompson of Henry, was referred to the Committee on County and Township Business.

House Bill No. 216, introduced by Mr. Thompson of Henry, was read a second time.

Which, on motion of Mr. Thompson of Henry, was referred to the Committee on County and Township Business.

House Bill No. 217, introduced by Mr. Shaffer, was read a second time.

Which, on motion of Mr. Shaffer, was referred to the Committee on Roads.

House Bill No. 218, introduced by Mr. Burson, was read a second time.

And the same was on motion of Mr. Burson, referred to the Committee on Drains and Dykes.

House Bill No. 219, introduced by Mr. Anderson, was read a third time.

And on motion of Mr. Anderson, the same was referred to the Committee on Education.

House Bill No. 220, introduced by Mr. Pfafflin, was read a second time.

And on motion of Mr. Pfafflin, the same was referred to the Committee on Judiciary.

House Bill No. 221, introduced by Mr. Bence, was read a second time.

And on motion of Mr. Bence the same was referred to the Committee on Benevolent and Scientific Institution.

House Bill No. 223, introduced by Mr. Leeper, was read a second time.

And on motion of Mr. Leeper, the same was referred to the Committee on Cities and Towns.

House Bill No. 224, introduced by Mr. Glasgow, was read a second time.

And on motion of Mr. Glasgow, the same was referred to a committee of three, consisting of Messrs. Glasgow, Willett and Waterman.

House Bill No. 225, introduced by Mr. Ragan, was read a second time.

And the same was on motion of Mr. Ragan, referred to the Committee on Ways and Means.

House Bill No. 227, introduced by Mr. Roseberry, was read a second time.

Mr. Roseberry moved to have the bill read a third time, and placed upon its passage.

Which motion did not prevail.

And on motion of Mr. Darnall the same was referred to the Committee on County and Township Business.

House Bill No. 226, introduced by Mr. Haynes, was read a second time.

And on motion of Mr. Haynes, the same was referred to the Committee on Agriculture.

House Bill No. 228, introduced by Mr. Burson, was read a second time.

And on motion of Mr. Anderson, the same was referred to the Committee on Roads.

House Bill No. 229, introduced by Mr. Burson, was read a second time.

And on motion of Mr. Burson, the same was referred to the Committee on Judiciary.

House Bill No. 230, introduced by Mr. Pfafflin, was read a second time.

Which, on motion of Mr. Pfafflin, was referred to the Committee on Judiciary.

House Bill No. 231, introduced by Mr. Pfafflin, was read a second time.

Which, on motion of Mr. Pfafflin, was referred to the Committee on Organization of Courts of Justice.

Mr. Pfafflin offered a petition on the abolition of the Vanderburgh Criminal Circuit Court.

Which was referred to the Committee on the Organization of Courts of Justice.

House Bill No. 3, introduced by Mr. Williams of Brown, was read a third time.

Mr. Davisson moved to refer the same to the Committee on County and Township Business with instructions to report a bill authorizing an assessment for 1875.

Mr. Osborn offered the following amendment to the amendment :

“ Amend the motion of the member from Jackson so as to instruct the committee to amend so as to require a deduction from the present appraisement of twenty per cent.”

Mr. Caldwell demanded the previous question.

The question being, shall the amendment to the amendment be adopted ?

Which amendment was not adopted.

The question being on the adoption of the amendment of Mr. Davisson.

Which was not adopted.

The question now being, shall the bill pass?

*Those who voted in the affirmative were*

Messrs. Arnold, Bellows, Bence, Brown of Jasper, Burson, Caldwell, Charters, Crane, Crumpacker, Davison, Edwards, Emerson, Favorite, Forkner, Fulk, Gilbert, Glasgow, Harper, Havens, Highway, Henderson, Jackson, Keightly, Kennedy of Marion, Kennedy of Montgomery, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Miller of Parke, Miller of Vanderburgh, Montgomery, McCord, McMichael, Nash, Osborn, Patterson, Peyeatt, Pfafflin, Ramsey, Ragan, Reeder, Reno, Ribble, Romine, Roseberry, Shaw, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Washburn, Willett, Williams of Brown, Williams of Lawrence, Wynn and Mr. Speaker—63.

*Those who voted in the negative were*

Messrs. Ames, Barney, Brown of Rush, Cantley, Clark, Dale, Darnall, Evans, Gossman, Harris of Wayne, Haynes, Heller, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Kennedy of Morgan, Lincoln, Megenety, Morgan, McFadden, Reddick, Shaffer, Shortridge, Shugart, Twibill, Walz and Woody—28.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

Whereupon Mr. Williams of Brown, offered the following amendment:

Amend title, by adding at the end thereof, "and adding supplemental sections thereto."

Which amendment was unanimously adopted, and the title as amended was approved.

House Bill No. 26, introduced by Mr. Forkner, was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Crane, Crumpacker, Dale, Darnall, Davison, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnson of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Patterson, Peycatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr Speaker—91.

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Whereupon, Mr. Forkner offered the following amendment:

By adding at the end of the title, "repealing all laws in contradiction hereof, and declaring an emergency."

Which amendment was unanimously adopted, and the title as amended was approved.

Leave of absence was granted to Mr. Smith until Thursday next on account of sickness.

House Bill No. 42, introduced by Mr. Williams of Brown, was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anderson, Arnold, Barney, Bellows, Bence, Burson, Caldwell, Cantley, Clark, Crane, Crumpacker, Dale, Emerson, Favorite, Fulk, Harris of Madison, Havens, Haynes, Jackson, Johnson of Carroll, Keightly, Kennedy of Marion, Law, Leeper, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Ramsey, Ragan, Reddick, Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Twibill, Williams of Brown and Williams of Lawrence—57.

*Those who voted in the negative were,*

Messrs. Ames, Brown of Rush, Charters, Darnall, Davisson, Edwards, Evans, Forkner, Gilbert, Glasgow, Gossman, Harper, Harris of Wayne, Heighway, Heller, Henderson, Hopkins, Horn, Johnston of Dearborn, Kennedy of Montgomery, Kennedy of Morgan, Lincoln, Martin of Franklin, Pfafflin, Reeder, Shaffer, Trusler, Walz, Washburn, Waterman, Woody, Wynn and Mr. Speaker—33.

So the bill passed.

House Bill No. 46, introduced by Mr. Pfafflin, was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Cantley, Charters, Clark, Crane,

Dale, Davisson, Edwards, Emerson, Forkner, Fulk, Gilbert, Glasgow, Cossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnson of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Law, Leeper, Lincoln, Marvin of Fountain, Miller of Vanderburgh, Montgomery, Morgan, McFadden, McMichael, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Ribble, Roseberry Shaffer Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Thompson of Henry, Thompson of Marion, Twibill, Waltz, Washburn, Waterman, Williams of Brown, Williams of Lawrence, and Woody—72.

*Those who voted in the negative were,*

Messrs. Caldwell, Crumpacker, Evans, Favorite, Martin of Franklin, Martin of Wells, Marvin of Boone, Megenity, Miller of Parke, McCord, Nash, Reeder, Reno, Romanie, Thomas, Trusler, Willett and Wynn—18.

So the bill passed.

Mr. Havens offered the following resolution :

*Resolved*, That the members of the Independent Order of "B'nai B'rith," now in session in this city, being composed of delegates from various States be, and are hereby, invited to visit this House this afternoon, and be allowed seats within the bar of the House.

Which resolution was not adopted.

Mr. Harris of Madison, moved the reconsideration of the vote just taken.

Which motion prevailed.

The vote was reconsidered and the resolution adopted.

Mr. Gilbert offered the following resolution :

*Resolved*, That the use of the Hall of the House of Representatives be granted, this evening, to the Hon. Henry Musgrove, of

Mississippi, agent of the State Grange P. of H. of that State, for the purpose of delivering an address in regard to Mississippi and its advantages.

Which was adopted.

House Bill No. 49, introduced by Mr. Williams of Brown, was read a third time.

Mr. Heller moved to recommit the bill to the Committee on County and Township business, with instructions to said committee to amend the bill by adding to section 1 the following :

“ Either to such Treasurer or the Township Trustee of the township where he is taxed.”

Which motion did not prevail.

The question being, shall the bill pass ?

Pending which motion, on motion of Mr. Crumpacker, the House adjourned till 2 o'clock this afternoon.

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#### AFTERNOON SESSION.

The House met pursuant to adjournment, the Speaker in the chair.

Leave of absence was asked for Mr. Nash until to-morrow morning on account of sickness.

Which was granted.

#### SPECIAL ORDER.

The special order being the consideration of House Bill No. 108, with the amendment offered by Mr. Bence, said bill and amendments were taken up.



When, on motion of Mr. Darnall, the amendment offered by Mr. Bence was laid on the table.

And on motion of Mr. Crumpacker the bill was ordered to be engrossed.

The consideration of House Bill No. 49, pending the consideration of which the House adjourned this morning, was resumed.

Mr. Keightly moved the previous question.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anderson, Arnold, Bearss, Bellows, Brown of Jasper, Brown of Rush, Burson, Caldwell, Davisson, Davis, Edwards, Evans, Forkner, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Highway, Heller, Horn, Johnston of Dearborn, Keightly, Law, Leeper, Martin of Franklin, Marvin of Fountain, Megenity, Miller of Vanderburgh, Montgomery, McCord, Patterson, Pfafflin, Reno, Romine, Roseberry, Trusler, Walz, Washburn and Williams of Brown—40.

*Those who voted in the negative were,*

Messrs. Ames, Barney, Bence, Cantley, Charters, Clark, Crane, Crumpacker, Dale, Darnall, Emerson, Favorite, Fulk, Glasgow, Harper, Harris of Wayne, Henderson, Hopkins, Jackson, Johnson of Carroll, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Martin of Wells, Marvin of Boone, Miller of Parke, Morgan, McFadden, McMichael, Osborn, Pyeatt, Ramsey, Ragan, Reddick, Reeder, Ribble, Shaffer, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Twibill, Waterman, Willett, Williams of Lawrence, Woody, Wynn and Mr. Speaker—52.

So the bill failed to pass.

Mr. Kennedy of Montgomery, introduced

House Bill No. 232. A bill to change the time of holding courts in the Twenty-first Circuit, and declaring an emergency.

Which was read a first time.

Mr. Kennedy of Montgomery, moved to suspend the rules and that the bill pass to its second reading now.

The question being, shall the rules be suspended?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bearss, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Crane, Crumpacker, Dale, Darnall, Davisson, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Highway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr. Speaker—91.

Mr. Bellows voting in the negative.

So the rules were suspended and the bill was read a second time.

Mr. Kennedy of Montgomery, moved to suspend the rules, and that the bill be considered engrossed, and put upon its passage.

The question being, shall the rules be suspended ?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bearss, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Crane, Crumpacker, Dale, Darnall, Davisson, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr. Speaker—85.

No one voting in the negative.

So the rules were suspended and the bill read a third time.

The question now being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bearss, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davisson, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of

Boone, Marvin of Fountain, Megnity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCórd, McFadden, McMichael, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn, and Mr. Speaker.—93.

No one voting in the negative.

So the bill passed.

Mr. Davis presented six petitions on the subject of the abolition of the Criminal Court of Floyd and Clarke counties.

Which were referred to the Committee on the Organization of Courts of Justice.

Messrs. Davis, Bellows and Shugart presented petitions on the subject of temperance.

Which were referred to the Committee on Temperance.

Mr. Bellows presented five petitions on different subjects.

Which were referred to the Committee on Organizations of Courts of Justice.

Mr. Bellows presented a petition on the subject of County Superintendency.

Which was referred to the Committee on Education.

Mr. Bellows presented a petition on the subject of the abolition of the Criminal Court of Floyd and Clarke counties.

Which was referred to the Committee on Organization of Courts of Justice.

Mr. Darnall presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Engrossed House Bill No. 52, introduced by Mr. Caldwell, was read a third time and put on its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bearss Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Crane, Crumpacker, Dale, Darnall, Davisson, Davis, Edwards, Emerson, Evans, Favorite, Fulk, Gilbert, Gossman, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Rosberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Davis, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Lawrence, Woody and and Wynn—86.

*Those who voted in the negative were,*

Messrs. Forkner, Glasgow, Harper, Harris of Madison, Johnson of Dearborn, Lincoln and Williams of Brown—7.

So the bill passed.

Engrossed House Bill No. 55, introduced by Mr. Barney, was read a third time.

Which was laid on the table with amendments.

Engrossed House Bill No. 77, introduced by Mr. Pfafflin, was read a third time and put on its passage.

The question being, shall the bill pass?

H. J.—21

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bearss, Bellows, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Crane, Crumpacker, Dale, Darnall, Davison, Davis, Edwards, Emerson, Evans, Gilbert, Gossman, Harris of Madison, Harris of Wayne, Havens, Haynes, Highway, Heller, Henderson, Hopkins, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Morgan, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Osborn, Patterson, Pyeatt, Pfafflin, Ragan, Reddick, Reeder, Reno, Romine, Roseberry, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Waterman, Willett, Williams of Brown, Williams of Lawrence, Wynn and Mr. Speaker—79.

*Those who voted in the negative were,*

Messrs. Favorite, Forkner, Fulk, Harper, Jackson, Kennedy of Montgomery, Ramsey, Ribble, Washburn and Woody—10.

So the bill passed.

Engrossed House Bill No. 78, introduced by Mr. Havens, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Barney, Bearss, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Crumpacker, Dale, Davis, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Harper, Harris of Madison, Havens, Henderson, Hopkins, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Leeper, Martin of Franklin, Miller of Parke, Miller of Vanderburgh, Morgan, McCord, McFadden, McMichael, Osborn, Patterson, Pfafflin, Reeder, Ribble, Romine, Roseberry, Thomas,

Thompson of Henry, Thompson of Marion, Waterman, Willett, Woody and Mr. Speaker—50.

*Those who voted in the negative were,*

Messrs. Anderson, Arnold, Bellows, Brown of Jasper, Crane, Darnall, Davison, Edwards, Gossman, Harris of Wayne, Haynes, Heighway, Horn, Kennedy of Montgomery, Kennedy of Morgan, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, Pyeatt, Ramsey, Ragan, Reddick, Reno, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Trusler, Twibill, Walz, Washburn, Williams of Brown, Williams of Lawrence and Wynn—39.

So the bill failed to pass for want of a constitutional majority.

The Speaker laid before the House the following communication:

INDEPENDENT ORDER B'NAI B'RITH,  
SECRETARY'S OFFICE,  
INDIANAPOLIS, IND., January 26, 1875.

HON. DAVID TURPIE,

*Speaker of the House of Representatives:*

DEAR SIR:—The invitation from your honorable body received this day by the members of our delegation, has been received, and I am instructed to inform you that the members will do themselves the honor of visiting the House in a body this afternoon.

Yours respectfully,

A. ABRAHAM,  
Sec. Grand Lodge I. O. B. B.

Which was placed on file.

Leave of absence was granted Mr. Wynn until Monday next, on account of illness in his family.

On motion of Mr. Leeper, the House adjourned till to-morrow morning at 9 o'clock.

DAVID TURPIE,  
Speaker.

## WEDNESDAY MORNING.

JANUARY 27, 1875, 9 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

The Journal of yesterday was read and approved.

Mr. Davis from the Committee on Judiciary submitted the following report :

MR. SPEAKER :

The Committee on Judiciary, to whom was referred House Bill No. 191, have had the same under consideration and have instructed me to report the same back to the House and recommend its passage.

Which report was concurred in,

And the bill ordered to be engrossed.

Mr. Davis, from the Committee on Judiciary, submitted the following report :

MR. SPEAKER :

The Committee on Judiciary, to whom was referred House Bill No. 164, have had the same under consideration, and have instructed me to report the same back to the House and recommend its passage.

Which report was concurred in.



House Bill No. 164, introduced by Mr. Forkner, was reported back by the Committee on Judiciary, with the recommendation that it be engrossed.

It was so ordered.

The following report was made from the Committee on the Judiciary.

MR. SPEAKER:

The Committee on Judiciary, to whom was referred House Bill No. 171, entitled "An act to amend the seventieth section of an act entitled an an act providing for the election of and qualification of Justice of the Peace, and defining their jurisdiction, powers, and duties in civil cases," approved June 9, 1852, have had the same under consideration, and directed me to report the same back to the House with the recommendation that it do lie on the table.

Which report was concurred in.

Mr. Burson, from the Committee on Judiciary, submitted the following report:

MR. SPEAKER:

The Judiciary Committee to whom was referred House Bill No. 79, have had the same under consideration, and recommend the following amendments, viz.:

That all that portion of said act after the word "act" in the eleventh line to the end of line sixteenth be stricken out, and that the words "three thousand" in lines twenty-six and twenty-seven be made to read "two thousand," and that said bill when so amended be engrossed and passed.

Which report was concurred in.

House Bill No. 79, introduced by Mr. Harris of Wayne, was reported back by the Committee on Judiciary, with the recommendation that the bill be engrossed as amended.

Which was so ordered.

Mr. Burson, from the Committee on Judiciary, submitted the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House Bill No. 94, have had the same under consideration, and report the same back with the recommendation that it lie on the table.

Which report was concurred in.

House Bill No. 94, introduced by Mr. Kennedy of Montgomery, with the recommendation that the bill lie on the table.

It was so ordered.

The following report was made from the Committee on Judiciary :

MR. SPEAKER :

Your Committee on Judiciary, to whom was referred Senate Bill No. 68, a bill to amend, and supplementary to an act providing for voluntary assignments of personal and real property, approved March 5, 1859, have had the same under consideration and request me to report the same back to the House, and recommend that it pass.

Which report was concurred in.

The following report was made from the Committee on Judiciary.

MR. SPEAKER :

The Judiciary Committee, to whom was referred House Bill No. 104, herewith report the same back to the House with the recommendation that it lie on the table.

Which report was concurred in.

House Bill No. 104, introduced by Mr. Ratliff, with the recommendation that the bill be laid on the table.

It was so ordered.

Mr. Burson from the Committee on Judiciary submitted the following report :

**MR. SPEAKER :**

The Judiciary Committee, to whom was referred House Bill No. 40, have had the same under consideration and herewith direct me to report said bill back to the House and recommend that it lie on the table.

Which report was concurred in.

House Bill No. 40, introduced by Mr. Taylor, was reported back by the Committee on Judiciary that the bill lie on the table.

It was so ordered.

Mr. Kennedy of Montgomery, from the Committee on Judiciary, submitted the following report :

**MR. SPEAKER :**

The Committee on Judiciary, to whom was referred the communication of the Attorney General touching the litigation between the State of Indiana and Terre Haute and Indianapolis Railroad Company, beg leave to report that they have had the subject under consideration and find the controversy in process of settlement in the courts and that no further legislation is necessary in order to secure a speedy determination of the same.

Which report was concurred in.

The following report was made from the Committee on Judiciary.

**MR. SPEAKER :**

The Committee on Judiciary, to whom was referred House Bill No. 25, making drunkenness and selling liquor to minors, misde-

meanors, beg leave to report that they have had the same under consideration and a majority of said committee recommend its passage.

Which report was concurred in.

House Bill No. 25, introduced by Mr. Forkner, was reported back by the Committee on Judiciary with the recommendation that the bill pass.

It was ordered to be engrossed.

The following report was made from the Committee on Judiciary :

MR. SPEAKER :

The Committee on Judiciary, to whom was referred House Bill No. 150, establishing County Courts, abolishing Boards of County Commissioners, etc., beg leave to report that they have duly considered the same, and recommend that it be indefinitely postponed.

Which report was concurred in.

House Bill No. 150, introduced by Mr. Bence, was reported back by the Committee on Judiciary with the recommendation that the bill be indefinitely postponed.

It was so ordered.

Mr. Martin of Wells, from the Committee on Judiciary, submitted the following report :

MR. SPEAKER :

The Committee on Judiciary unanimously report back House Bill No. 118, introduced by Mr. Trusler, fixing the compensation of Superintendents, and recommend that the same be referred to the Committee on Education, inasmuch as that committee are considering other bills in relation to the same subject.

Which report was concurred in.

House Bill No. 118, introduced by Mr. Trusler, was reported back by the Committee on Judiciary.

Which, on motion of Mr. —, was recommitted to the Committee on Judiciary.

Mr. Martin of Wells, from the Judiciary Committee, submitted the following report :

MR. SPEAKER :

The Committee on Judiciary unanimously recommend the passage of Mr. Collins' House Bill No. 97, providing for an amendment of sections 136 of the practice act, which bill is herewith returned.

Which report was concurred in.

House Bill No. 97, introduced by Mr. Collins, was reported back by the Committee on Judiciary with the recommendation that the bill pass.

The bill was ordered to be engrossed.

The following report from the Committee on Judiciary was made :

MR. SPEAKER :

The majority of the Committee on Judiciary, to whom was referred House Bill No 137, being "An act to amend section four of an act in relation to the organization of the two Houses of the General Assembly; prescribing the number of officers and employes of each, and mentioning their duties," report the same herewith and recommend the following amendments, to-wit: In section two line two immediately succeeding the word "judiciary," insert as follows, to-wit: "And ways and means, jointly." And in lines four, five and six strike out the sentence reading thus: "The Committee on Ways and Means shall be entitled to one Clerk or Secretary." In same section beginning with the first word of line twenty-three and strike out the remainder of said section. Thus amended we recommend its passage.

Which amendments were not concurred in.

Mr. Heller moved to indefinitely postpone.

Which motion prevailed.

Mr. Forkner, from the Committee on Judiciary, submitted the following report :

MR. SPEAKER :

The Committee on Judiciary, to whom was referred House Bill No. 194, entitled "A bill for an act to amend section one hundred and eighty-four of an act entitled 'An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the Courts of this State,' " etc, have had the same under consideration and have directed me to report said bill back to the House with the following recommendations :

1. That Section one of said bill be amended by striking out all that part thereof commencing at the word "and," in line 22, of said section, and ending with the word "proper," in line 25 thereof inclusive, and by inserting therein instead thereof the following words, "for the present worth thereof discounting the same at the legal rate of interest, if the same bear interest."

2. That said bill, when so amended, do pass.

Which report was concurred in.

House Bill No. 194, introduced by Mr. Crane, was reported back with amendments by the Committee on Judiciary, with the recommendation that the bill, as amended, be engrossed.

It was so ordered.

Mr. Forkner, from the Committee on Judiciary, submitted the following report :

MR. SPEAKER :

The Committee on Judiciary, to whom was referred House Bill No. 196, entitled "A bill for an act to amend Section 26 of an act entitled 'An act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases,' " approved June 9, 1852, have had the same under consideration, and have directed me to report the same back to the House with the following amendments :

1. That the words "a bill for" be stricken out of the title, and said Committee further recommend that said bill, when the title thereof is so amended, do pass.

Which report was concurred in.

House Bill No. 196, introduced by Mr. Crane, was reported back with amendments, by the Committee on Judiciary, with the recommendation that the bill as amended be engrossed.

It was so ordered.

The following report was made from the Committee on Judiciary :

MR. SPEAKER :

The Committee on Judiciary, to whom was referred House Bill No. 193, entitled "A bill for an act to amend section six hundred and seventy-two of an act entitled 'An act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, etc.,'" have had the same under consideration, and have directed me to report said bill back to the House with the recommendation that the same do pass.

Which report was concurred in.

House Bill No. 193, introduced by Mr. Crane, was reported back by the Committee on Judiciary with the recommendation that the bill pass.

Ordered to be engrossed.

Mr. Glasgow, from the Committee on Judiciary, submitted the following report :

MR. SPEAKER :

Your Committee on Judiciary, to whom was referred House Bill No. 229, have had the same under consideration, and have instructed me to report the same to this House with the recommendation that it pass.

Which report was concurred in.

House Bill No. 229, introduced by Mr. Burson, was reported back by the Committee on Judiciary with the recommendation that it pass.

The bill was ordered to be engrossed.

The following Joint Resolution No. 5 was submitted from the Committee on the Judiciary :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred Joint Resolution No. 5, have had the same under consideration, and direct me to report the same to the House for its action thereon.

Joint Resolution No. 5, introduced by Mr. Woody, was reported back by the Committee on Judiciary without recommendation.

The resolution was ordered to be engrossed.

The following report was made from the Committee on Education :

MR. SPEAKER :

The Committee on Education, to whom was referred House Bill



No. 96, introduced by Mr. Edwards of Putnam, being an act entitled "An act to give each School District power to procure teachers, etc.," report that they have had the same under consideration, and I am authorized to return the same with the recommendation that it lie on the table.

Which report was concurred in.

House Bill No. 96, introduced by Mr. Edwards, was reported back by the Committee on Education, recommending that the bill be laid on the table.

Which was so ordered.

The following report was made from the Committee on Education :

MR. SPEAKER :

The Committee on Education, to whom was referred House Bill No. 67, introduced by Mr. Turpie of Marion, being an act entitled, "An act authorizing change of name in certain educational institutions," have had the same under consideration and said committee have instructed me to report said bill back with the recommendation that it do pass.

Which report was concurred in.

House Bill No. 67, introduced by Mr. Turpie, was reported back by the Committee on Education with the recommendation that it pass.

The bill was ordered to be engrossed.

The following report was made from the Committee on Rights and Privileges :

MR. SPEAKER :

Your Committee, to whom was referred House Bill No. 103, report back said bill and recommend its passage.

Which report was concurred in.

House Bill No. 103, introduced by Mr. Trusler, was reported back by the Committee on Rights and Privileges with the recommendation that it pass.

Said bill was ordered to be engrossed.

Mr. Williams of Brown, from the Committee on County and Township Business, submitted the following report :

MR. SPEAKER :

The Committee on County and Township Business, to whom was referred House Bill No. 227, have directed me to report the same back to this House with a recommendation that it lie on the table.

Which report was concurred in.

House Bill No. 227, introduced by Mr. Roseberry, was reported back by the Committee on County and Township Business with the recommendation that the bill lie on the table.

Which was so ordered.

Mr. Roseberry, from the Committee on County and Township Business, submitted the following report.

MR. SPEAKER :

Your Committee on County and Township Business have had House Bill No. 43 under consideration and directed me to report the same back to this House with the recommendation that it lie on the table.

Which report was concurred in.

House Bill No. 43, introduced by Mr. Waterman, was reported back by the Committee on County and Township Business, recommending that the bill be laid on the table.

Which was so ordered.

The following report was made from the Committee on Agriculture:

MR. SPEAKER:

The Committee on Agriculture, to which was referred House Bill No. 209, entitled "An act for the better protection of fowls and small birds," have had the same under consideration, and return it with the recommendation that it be indefinitely postponed; a similar bill being already engrossed.

Which report was concurred in.

House Bill No. 209, introduced by Mr. Edwards, was reported back by the Committee on Agriculture with the recommendation that the bill be indefinitely postponed.

It was so ordered.

Mr. Gilbert, from the Committee on Agriculture, submitted the following report:

MR. SPEAKER:

The Committee on Agriculture, to whom was referred House Bill No. 226, introduced by Mr. Haynes, entitled "An act to encourage the destruction of wolves, foxes and wild cats, authorizing County Commissioners to pay a premium therefor and declaring an emergency" has had the same under consideration, and return it with the recommendation that it be indefinitely postponed. A bill already engrossed provides for the destruction of wolves and foxes.

Which report was concurred in.

House Bill No. 226, introduced by Mr. Haynes, was reported back by the Committee on Agriculture, with the recommendation that it be indefinitely postponed.

It was so ordered.

The following report was made from the Committee on Agriculture.

MR. SPEAKER:

The Committee on Agriculture, to whom was referred House Bill No. 207, introduced by Mr. Walz, entitled "An act providing for the enclosure of lands subject to overflow." Have had the same under consideration and return it with the recommendation that it pass.

Which report was concurred in.

House Bill No. 207, introduced by Mr. Walz, was reported back by the Committee on Agriculture, with the recommendation that it be engrossed.

It was so ordered.

The following report was made from the Committee on Corporations:

MR. SPEAKER:

Your Committee on Corporations, report that they have carefully considered House Bill No. 153, and recommend that it pass.

Which report was concurred in.

House Bill No. 153, introduced by Mr. Smith, was reported back by the Committee on Corporations, with the recommendation that the bill pass.

Said bill was ordered to be engrossed.

Mr. Keightly, from the Committee on Cities and Towns, submitted the following report:

MR. SPEAKER:

Your Committee, to whom was referred House Bill No. 213, legalizing the acts of the authorities of Auburn, DeKalb county,

Indiana, have had the same under consideration, and recommend that the same do pass.

Which report was concurred in.

House Bill No. 213, introduced by Mr. Waterman, was reported back by the Committee on Cities and Towns, with the recommendation that the bill pass.

Ordered to be engrossed.

Mr. Thompson, from the Committee on Rights and Privileges, of the Inhabitants of the State, submitted the following report:

MR. SPEAKER:

Your Committee, to whom was referred House Bill No. 184, report the same back, and they recommend said bill do lie on the table.

Which report was concurred in.

House Bill No. 184, introduced by Mr. Reeder, was reported back by the Committee on Rights and Privileges, with the recommendation that it lie on the table.

It was so ordered.

The following report from the Committee on Rights and Privileges:

MR. SPEAKER:

Your Committee, to which was referred House Bill No. 203, have considered the same and refer it back to the House with the recommendation that it do pass.

Which report was concurred in.

House Bill No. 203, introduced by Mr. Clark, was reported back by the Committee on Rights and Privileges, with the recommendation that it pass.

Said bill ordered to be engrossed.

Mr. Thompson, from the Committee on Rights and Privileges, submitted the following report:

*To the Speaker of the House of Representatives of the State of Indiana:*

Your Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred House Bill No. 66, report that said bill be amended by adding the following proviso to section 1st. "Provided, That nothing in this section shall be construed as applying to contracts made previous to the taking effect of this act."

Which report was concurred in.

House Bill No. 66, introduced by Mr. Harper, was reported back with amendments by the Committee on Rights and Privileges, with the recommendation that the bill as amended be engrossed.

It was so ordered.

The Committee on County and Township business submitted the following report:

MR. SPEAKER:

The Committee on County and Township Business, to whom was referred House Bill No. 215, have had the same under consideration and directed me to report the same back to this House with the recommendation that it lie on the table.

Which report was concurred in.

House Bill No. 215, introduced by Mr. Thompson of Henry, was reported back by the Committee on County and Township Business with the recommendation that the bill lie on the table.

It was so ordered.

The following report was made from the Committee on County and Township Business:

MR. SPEAKER:

The Committee on County and Township Business have had

House Bill No. 216 under consideration, and have directed me to report the same back to this House with the recommendation that it do pass.

Which report was concurred in.

House Bill No. 216, introduced by Mr. Thompson of Henry, was reported back by the Committee on County and Township Business with the recommendation that the bill pass.

The bill was ordered to be engrossed.

The following report was made from the Committee on Rights and Privileges :

MR. SPEAKER :

The Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred House Bill No. 126, entitled "An act regulating interest on money and providing for attorney's fees, where such fee is to be paid to plaintiff's attorney by defendant," have instructed me to report that they have had the same under consideration and report the bill back to the House with recommendation that it lie on the table.

Which report was concurred in.

House Bill No. 126, introduced by Mr. Reeder, was reported back by the Committee on Rights and Privileges with the recommendation that the bill lie on the table.

Which was so ordered.

Mr. Shortridge, from the Committee on Organization of Courts of Justice, submitted the following report :

MR. SPEAKER :

Your Committee on Organization of Courts of Justice, make the following report :

Having carefully examined House Bill No. 59, recommend that the bill lie on the table.

Which report was concurred in.

House Bill No. 59, introduced by Mr. Clark, was reported back by the Committee on Organization of Courts with the recommendation that the bill lie on the table.

Which was so ordered.

The following report was made from the Committee on the Organization of Courts :

MR. SPEAKER :

Your Committee on Organization of Courts, make the following report :

Having carefully examined House Bill No. 87, recommend that the bill lie on the table.

Which report was concurred in.

House Bill No. 87, introduced by Mr. Clark, was reported back by the Committee on Courts of Justice with the recommendation that the bill lie on the table.

Which was so ordered.

Mr. Bellows presented a resolution and memorial on the subject of convict labor, which was referred to the Committee on State Prisons.

Mr. Bellows presented a petition on the subject of Prisons.

Which was referred to the Committee on State Prisons.

Mr. Caldwell presented a petition on the subject of Fees and Salaries.

Which was referred to the Committee on Fees and Salaries.

Mr. Johnson of Dearborn, presented a petition on the subject of fees and salaries.

Which was referred to the Committee on Fees and Salaries.



Mr. Shaw presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Leave of absence was granted Mr. Shaw until to-morrow morning.

Leave of absence was granted Mr. Miller of Parke, until next Friday, on account of death in his family.

Leave of absence was granted to Mr. Ratliff until next Monday, on account of sickness.

Mr. Waterman introduced

House Bill No. 233. An act supplemental to an act entitled "An act in relation to the organization of the two houses of the General Assembly, prescribing the number of officers and employes of each House and regulating their duties, and more definitely defining the mode of determining the number and compensation of such employes and officers."

Which was read a first time.

Mr. Gossman introduced

House Bill No. 234. A bill in relation to donations by individuals and in the construction of railroads, and declaring an emergency.

Which was read a first time.

Mr. Gossman introduced

House Bill No. 235. An act to regulate and license the sale of intoxicating liquor, to furnish remedies for damages suffered by any person in consequence of the intoxication of another, providing penalties for selling intoxicating liquors without first procuring license as hereinafter provided to punish drunkenness, to punish those who may sell to minors and habitual drunkards.

Which was read a first time.

Mr. Trusler introduced

House Bill No. 236. A bill to amend the fourth section of an act entitled an act to amend the act entitled "An act authorizing the construction of plank, Macadamized and gravel roads, and to empower the same to make sale of a portion of their roads," approved February 28, 1855.

Which was read a first time.

Mr. Davis introduced

House Bill No. 237. An act legalizing the record and acknowledgments of deeds and mortgages heretofore recorded in any county of this State where the official character of the officers taking the acknowledgments were not certified to as required by law, and authorizing the record of such deeds and mortgages to be read in evidence, and making such record notice to third persons.

Which was read a third time.

Mr. Davis introduced

House Bill No. 238. An act to fix the time of holding Circuit Courts in the Fourth Judicial Circuit, and to repeal all laws in conflict therewith.

Which was read a first time.

Mr. Davis introduced

House Bill No. 239. An act to prevent the forfeiture of policies of insurance upon life when the premiums have been paid in part.

Which was read a first time.

Mr. Davis introduced

House Bill No. 240. An act providing for the election of railroad directors of railroad companies, incorporated and formed under the laws of this State, so that three of the directors shall be citizens and residents of the State.

Which was read a first time.

Mr. Davis introduced

House Bill No. 241. An act relating to evidence respecting lost or destroyed records and deeds purporting to have been made pursuant to judicial sale.

Which was read a first time.

Mr. Davis presented the petition of George P. Huckelby on the subject of the abolition of the Criminal Court of Floyd and Clarke counties.

Which was referred to the Committee on Organization of Courts of Justice.

Mr. Davis presented a memorial from Thomas J. Fullenlove on the subject of the abolition of the Criminal Court of Floyd and Clarke counties.

Which was referred to the Committee on Organization of Courts of Justice.

Mr. Davis presented a memorial from John B. Winstanley, on the subject of the abolition of the Criminal Court of Floyd and Clarke counties.

Which was referred to the Committee on Organization of Courts of Justice.

Mr. Davis presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Martin of Franklin, presented a petition on the subject of protection of fish.

Which was referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Shugart introduced

House Bill No. 242. An act describing who may practice medicine, penalty for violation, formation of medical societies and medical districts with power to grant license.

Which was read a first time.

Mr. Shugart presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. McCord presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Brown of Jasper presented a petition on the subject of Courts.

Which was referred to the Committee on Organization of Courts of Justice.

Mr. Crane presented two petitions on the subject of divorce.

Which was referred to the Committee on Judiciary.

Mr. Ames introduced

House Bill No. 243. An act regulating the practice in criminal cases in the Circuit Courts and Criminal Courts of the State, and enlarging the powers and duties of Prosecuting Attorneys in the said Courts in criminal cases, and providing for the execution of those powers.

Which was read a first time.

The following message was received from the Governor :

MR. SPEAKER :

By direction of the Governor, I have the honor to transmit to

the House of Representatives, his communication in relation to the lands known as the bed of Beaver Lake, a duplicate of which has this day been laid before the Senate.

SAMUEL R. DOWNEY,

Private Secretary.

EXECUTIVE DEPARTMENT,

Indianapolis, January 27, 1875.

*To the General Assembly :*

By the act of Congress, approved January 11, 1873, it was provided, that the lands in Newton county, in the State of Indiana, known as the bed of Beaver Lake, the same having been drained and reclaimed at the expense of the State of Indiana and its assignees, be and the same are hereby released and quit-claimed to the State of Indiana.

Since the passage of that act, the Legislature has not taken any action in respect to the lands so released. I think you should. The condition of the title and the purpose of the State in relation to the lands, I understand that the greater part thereof are in private occupancy, under a claim of ownership. The Lake originally covered about twenty three Sections or about 14,700 acres. The State and her assignees have drained it until there remains but from one to four thousand acres of the bed covered with water. It was not subdivided by United States surveys. In the surveys of the surrounding lands, its shores were defined by the meandered lines.

By purchase from the State Messrs. John P. Dunn and Michael G. Bright became the owners of the legal subdivisions immediately surrounding the lake. They claimed right and title to the center of the lake "as the reperia proprietors or owners of all the lands bounding its margin." For the purpose of division they made a plat of the entire body (including the fractional lots which they had so purchased) representing on said plat the lines of the government surveys and subdivisions as extending through the lake, north and south, east and west, so as to divide it into forty acre lots. They then divided the whole as between themselves, by numbering the lots from No. 1 consecutively up to the highest number, Dunn

taking the odd and Bright the even numbers. Dunn's interest in the lots which fell to him in the division (covering 7,880 acres) was sold on execution and purchased by Bright and conveyed to him by the Sheriff who made the sale.

Subsequently Mr. Bright conveyed the Dunn lots to the Treasurer of State for the use of the State in satisfaction of a debt which Dunn owed the State. The Treasurer of State, Mr. Aquilla Jones, conveyed the same lands to the State; then the State acquired her claim to 7,880 acres of the bed of Beaver Lake. By the act approved December 12, 1865, entitled "An act to provide for the sale of certain lands belonging to the State of Indiana in the counties of Jasper and Newton, and to give protection to the actual settlers thereon (Acts of the Special Session, 1865, p. 192) provision was made for the sale thereof." In pursuance of that act the 7,880 acres have been sold by the State to a number of different purchasers, and deeds or patents made by the State to the purchasers in accordance with the descriptions thereof made by Messrs. Dunn and Bright. From the sales the State realized in the aggregate eight thousand five hundred dollars.

The lots claimed by Mr. Bright have nearly all been sold. The sales were made to many different purchasers, and subsequent transfers of a part thereof have been made. These lands have been held as subject to taxation, and taxes to the amount of several thousand dollars have been levied thereon, and collected from the owners thereof. The purchasers have made valuable and permanent improvements upon portions of the land.

For a full statement of the facts in relation to the lands, I refer you to the communication of the Secretary of the Interior, to the Senate of the United States, under date January 31, 1872, and accompanying reports and documents, being executive documents No. 25, of the second session of the 42d Congress. On pages 11 and 12, you will find the records of two causes, one before Judge Petit, in Jasper county, and the other before Judge Test, in Newton county, in which the title of the claimants was held good, and from page 12 to 32 is an abstract of the conveyances made by the State, and by private parties.

I am not of the opinion that the United States owned the lake before it was drained, or the bed thereof afterwards. The United States does not own the lakes in the States. Upon that question

the decision of the Supreme Court of the United States in Pollards, lessee, vs. Hagan and others, (3 Howards,) would seem to be conclusive. The only effect of the release to the State by Congress was to quit any claim of the United States to the lands as well as to put an end to controversies growing out of efforts to obtain title under the laws of the United States.

In the year 1871, the law firm of which I was a member, was employed by parties claiming portions of these lands, some of whom had made valuable improvements thereon, and I had special charge of the business.

The report to which I have referred, shows my relation to the parties interested and to the questions involved very fully.

Because of my former relation to the subject, I decline to make any recommendations further than to say that by the act of 1865, the State distinctly asserted title to the lands which she directed should be sold, and that fact should not be overlooked in considering the equities between herself and persons who have purchased the other lots from parties who relied upon the same title.

THOMAS A. HENDRICKS,

Governor.

Which was referred to the Committee on Swamp Lands.

The Speaker laid before the House the following communication from the Reporter of the Supreme Court:

STATE OF INDIANA,

OFFICE OF SUPREME COURT,

INDIANAPOLIS, IND., January 22, 1875.

*To the Hon. Speaker of the House of Representatives of the State of Indiana:*

SIR:—I received yesterday from the Clerk of the House a copy of a resolution adopted by that Body on the 16th inst., requesting the Reporter of the Supreme Court to report to the House the whole number of copies of the Reports of said Court sold by him since he

has held the office of Reporter, the amount of such sales, and the net cost of printing and binding the same.

I have the honor to respectfully answer that during the six years covered by the resolution, I have published fifteen volumes of Indiana Reports. Of these I have printed 19,957 copies, including original issues and reprints from the stereotype plates.

I have delivered to the State as provided for by law, 9,522 copies, and I have on hand, including defective and damaged books 1,056 copies. For the remaining copies, excepting those sold on credit and not paid for, and those of which I have no accurate account, being those given away, those stolen, those sold at a greater discount than usual to young and indigent attorneys and students, those exchanged for other books, some of of which I have sold and some of which I have on hand for use and for sale, and those sold at the statutory price of \$4.50, being perhaps about fifty of each volume, and excepting two copies of each volume sent to the copyright office. I have received or am to receive \$4 per volume from booksellers in various parts of the State and United States, to whom I sell for that price at thirty or sixty days.

The net cost of printing and binding has been \$40,365.57, not including expenses for assistance, amounting at present to about \$40 per week, and not including office expenses.

Respectfully submitted,

Your Obedient Servant,

JAMES B. BLACK,

Reporter Supreme Court.

Mr. Speaker laid before the House the following communication from the Auditor of State :

STATE OF INDIANA,

OFFICE OF AUDITOR OF STATE,

INDIANAPOLIS, January 26, 1875.

*Hon. David Turpie, Speaker of the House of Representatives :*

SIR:—I have the honor to request that a pay roll, or a list of the



employes of the House be furnished this office, together with the per diem of each, to guide us in issuing warrants for services rendered.

Very respectfully,

E. HENDERSON,

Auditor of State.

Mr. Snyder presented a petition on the subject of temperance, which was referred to the Committee on Temperance.

Mr. Reno introduced the following joint resolution :

WHEREAS, The people of Indiana feel themselves to be vitally interested in the financial policy of the United States ; and,

WHEREAS, the Democratic party of Indiana have recently by their Representatives, elected a distinguished member of their party to represent the people of Indiana in the Senate of the United States ; and

WHEREAS, The Democratic party of Indiana adopted the following resolutions as embodying and expressing the views of the Democracy of Indiana, as to the financial policy that should be pursued by Democratic Representatives from Indiana in the Congress of the United States.

*First.* That we are in favor of the redemption of the five-twenty bonds in United States non-interest bearing notes, according to the law under which they were issued.

*Second.* We are in favor of the repeal of the law of March, 1869, which assumed to construe the law so as to make such bonds payable exclusively in gold.

*Third.* We are in favor of the repeal of the National Banking Law, and the substitution of United States non-interest bearing notes for the national currency.

*Fourth.* We are in favor of a return to specie payment as soon as the business interests of the country will permit.

*Fifth.* We are in favor of such legislation from time to time, as will adjust the volume of the currency to the commercial and industrial wants of the country ; and

WHEREAS, It is the judgment of this General Assembly that the above resolutions are just and politic, and are approved and have been unmistakably endorsed by a very large majority of the people of Indiana ; and

WHEREAS, Our Senator recently elected to represent the people of Indiana in the Senate of the United States has signified his willingness to obey the instructions of a majority of the people when expressed through their Representatives in the General Assembly ; therefore be it

*Resolved by the General Assembly of the State of Indiana,* That our Senators in Congress be, and they are hereby instructed, and our Representatives requested to use their votes and influence in carrying out the policy of the above resolutions in letter and spirit.

Which was read a first time.

Mr. Haynes introduced

House Bill No. 244. An act authorizing the State Superintendent, with the advice of the State Board of Education, to purchase a library for Clark township, Perry county, and making provision for the payment therefor.

Which was read a first time.

Mr. Burson presented the claim of E. R. Stewart.

Which was referred to the Committee on Claims.

Mr. Edwards offered the following resolution :

WHEREAS, There is an organization existing in this State called the Patrons of Husbandry, more commonly known by the name of Granger, and in portions of this State erecting buildings, making contracts, etc. ; therefore be it

*Resolved,* That the Committee on Rights and Privileges be

requested to inquire into the expediency of the passage of a law enforcing the fulfilment of contracts made by said organization, to sue and be sued, plead and be impleaded, to purchase and convey property as other civil organizations of the State have the right to do, said committee to report to this House by bill or otherwise, at the earliest day possible.

Which was adopted.

Mr. Walz introduced

House Bill No. 245. An act to amend Section 2 of an act entitled "An act authorizing County Agricultural Societies to hold real estate, etc.," approved February 20, 1867, and declaring an emergency.

Which was read a first time.

Mr. Reddick offered the following resolution:

*Resolved*, That the Chair appoint a committee of ten to form a code of law to regulate and reduce the salaries and fees of county and township officers, and report the same to the House as early as convenient.

Which resolution was laid on the table.

Mr. Ragan introduced

House Bill No. 246. An act fixing the per diem and mileage of members of the General Assembly.

Which was read a first time.

Mr. Romine introduced

House Bill No. 247. An act to amend section 2 of an act entitled "An act to amend sections 2 and 6 of an act, entitled an act providing for a geological survey for the preservation and collection of a geological cabinet," etc.

Which was read a first time.

Mr. McMichael introduced

House Bill No. 248. An act to regulate the sale of intoxicating liquors, to provide against the evils resulting from the sale thereof, to furnish remedies for reasonable damages in consequence of such sale, prescribing penalties and affording protection to all parties interested, repealing all laws contravening the provisions of this act, and declaring an emergency.

Which was read a first time.

Mr. McMichael introduced

House Bill No. 249. An act to repeal an act entitled, "An act providing for the protection of fish," and repealing all laws in conflict with the same, prescribing penalties for the violation thereof, approved Feb. 22, 1871, and declaring an emergency.

Which was read a first time.

Mr. McMichael presented the claims of Daniel Keely.

Which was referred to the Committee on Claims.

Mr. Leeper presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Nash introduced

House Bill No. 250. An act fixing the numbers of petit jurors, grand jurors, etc.

Which was read a first time.

Mr. Shortridge introduced

House Bill No. 251. An act defining certain misdemeanors, providing penalties therefor and declaring an emergency.

Which was read a first time.

Mr. Pfafflin introduced

House Bill No. 252. An act to amend the sixth paragraph of the second section of an act concerning the organization of voluntary associations, etc., approved February 12, 1855, and declaring an emergency.

Which was read a first time.

Mr. Havens introduced

House Bill No. 253. An act in relation to plank, macadamized and gravel roads, and authorizing the construction of a street railway on or along the same, and amending section one of an act entitled "An act to provide for the incorporation of Street Railroad Companies, approved June 4, 1861, and amending sections one, two, and four of an act entitled 'an act authorizing street or horse car railroad companies to use State, county or township roads or other public highway for their railway track under certain rules and regulations,' approved March 6, 1865, and allowing any company organized under this act to have the benefits conferred, as far as the Directors of such Company may deem applicable by the act entitled 'An act to allow County Commissioners to organize turnpike companies where three-fifths of the persons representing the real estate within their prescribed limits, petition for the same, and to levy a tax for its construction and provide for the same to be free,' approved March 6, 1865, and repealing all laws inconsistent therewith and declaring an emergency."

Which was read a first time.

Mr. Miller of Vanderburgh, offered the following resolution :

*Resolved*, That the use of the Hall of the House of Representatives is hereby given on Monday evening February 1, 1875, to Mr. R. F. Travallick, of Detroit, Michigan, Ex-President of the National Labor Congress, who will deliver a lecture upon the subject of Labor and Currency.

Which resolution was adopted.

Mr. Pfafflin introduced

House Bill No. 254. An act supplemental to "An act to establish Superior Courts defining their jurisdiction and providing for the election and compensation of the Judges thereof," approved February 14, 1871, and declaring an emergency.

Which was read a first time.

Mr. Dale presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Harris of Wayne, presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Collins introduced

House Bill No. 255. An act concerning grand juries fixing the number, pointing out the manner of selecting, defining jurisdiction declaring qualifications, compensation thereof when they shall convene and when they shall adjourn and other matters pertaining thereto and repealing all laws inconsistent herewith and declaring an emergency.

Which was read a first time.

Mr. Thompson of Henry, presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Thompson of Henry, presented a memorial from Grange No. 735, P of H., praying for a reduction of salaries of county officers.

Which was referred to the Committee on County and Township Business.

Mr. Washburn presented a petition on the subject of ditches, which was referred to the Committee on Drains and Dykes.

Mr. Cantley presented a petition on the subject of dissecting human bodies, which was referred to the committee to whom House Bill No. 172 was referred, consisting of Messrs. Bence, Darnall and Shaffer.

Mr. Darnall offered the following resolution :

*Resolved*, That the Committee on Elections be requested to report as soon as practicable upon the contested election case, the papers of which were referred to them at the commencement of the session.

Which was adopted.

Mr. Walz presented a petition on the subject of temperance, which was referred to the Committee on Temperance.

Engrossed House Bill No. 102, was read a third time and put on its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnoild, Barney, Bellows, Bence, Brown of Jasper, Caldwell, Clark, Collins, Crumpacker, Dale, Darnall, Davisson, Davis, Edwards, Emerson, Evans, Favorite, Fulk, Gilbert, Gossman, Harper, Harris of Madison, Havens, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Kennedy of Marion, Kennedy of Morgan, Law, Leeper, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Vanderburgh, Montgomery, Morgan, McFadden, Osborn, Pyeatt, Pfafflin, Ramsey, Ragan, Reeder, Ribble, Romine, Roseberry, Shaffer, Shortridge, Snyder, Thomas, Thompson of Marion, Trusler, Twibill, Waterman, Williams of Lawrence, Woody and Mr. Speaker—63.

*Those who voted in the negative were,*

Messrs. Brown of Rush, Burson, Cantley, Forkner, Glasgow, Harris of Wayne, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Lincoln, Martin of Franklin, Martin of Wells,

McCord, Nash, Patterson, Reddick, Shugart, Taylor of Daviess, Thompson of Henry, Washburn, Willett and Williams of Brown—23.

So the bill passed.

On motion of Mr. Collins, the vote just taken was reconsidered.

And on motion of Mr. Darnall, the bill was recommitted to the Judiciary Committee.

Engrossed House Bill No. 109, was read a third time and put on its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Bellows, Bence, Brown of Jasper, Burson, Caldwell, Cantley, Charters, Collins, Crumpacker, Dale, Davisson, Davis, Edwards, Evans, Fulk, Gilbert, Glasgow, Harrison of Wayne, Havens, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Law, Leeper, Lincoln, Marvin of Fountain, Megenity, Miller of Vanderburgh, Montgomery, Morgan, McFadden, Osborn, Patterson, Pyeatt, Pfafflin, Ragan, Reddick, Reno, Ribble, Romine, Roseberry, Shaffer, Shugart, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson Marion, Trusler, Twibill, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, and Woody—69.

*Those who voted in the negative were,*

Messrs. Brown of Jasper, Clark, Darnall, Emerson, Favorite, Forkner, Gossman, Harper, Martin of Franklin, Martin of Wells, Marvin of Boone, McCord, Nash, Ramsey, Reeder and Walz—16.

So the bill passed.



Engrossed House Bill No. 111 was read a third time.

Which, on motion of Mr. Forkner, was recommitted to the Committee on Rights and Privileges.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed Engrossed House Bill No. 232, being an act entitled "An act to amend section sixty, of an act entitled 'an act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein abolishing the Courts of Common Pleas, and transferring the business thereof to the Circuit Courts and providing for the election of Judges and Prosecuting Attorneys in certain cases,'" approved March 6th, 1873, and providing for the return of process, writs, subpoenas, venues, rules, orders of courts and recognizances which may have been taken or issued previous to the commencement of said terms as provided in this act, and declaring an emergency and the same is herewith returned to the House.

Also, I am directed by the Senate to inform the House of Representatives that the Senate has passed Engrossed House Bill No. 46, entitled "An act to authorize the United States of America to acquire title to land in the State of Indiana by condemnation and the same is herewith returned to the House."

Engrossed House Bill No. 128 was read a third time, and put on its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crumpacker, Dale, Darnall, Davison, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Henderson, Hopkins, Horn, Jackson,

Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenty, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shortridge, Shugart, Snyder, Taylor of Daviess, Thomas, Thompson of Marion, Thompson Trusler, of Henry, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, and Mr. Speaker—87.

Mr. Bellows voted in the negative.

So the bill passed.

Engrossed House Bill No. 138, was read a third time and put on its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bellows, Bence, Brown of Jasper, Burson, Caldwell, Charters, Clark, Collins, Crumpacker, Dale, Davison, Davis, Emerson, Evans, Favorite, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Henderson, Hopkins, Horn, Keightley, Kennedy of Marion, Kennedy of Morgan, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Miller of Vanderburg, Morgan, McFadden, McMichael, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shortridge, Snyder, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—64.

*Those who voted in the negative were,*

Messrs. Anderson, Bown of Rush, Cantley, Darnall, Edwards, Forkner, Fulk, Glasgow, Harper, Harris of Wayne, Heighway, Jackson, Johnson of Carroll, Johnston of Dearborn, Kennedy of

Montgomery, Lincoln, Megenity, Montgomery, McCord, Nash, Shugart, Taylor of Daviess, Thomas, Trusler, Williams of Lawrence and Woody—26.

So the bill passed.

Engrossed House Bill No. 156 was read a third time, and on motion of Mr. Taylor of Daviess the bill was recommitted to the Committee on Rights and Privileges, with instructions to amend by striking out the word "woman" wherever it occurs and substituting "female."

Engrossed House Bill No. 183, was read a third time, and on motion of Mr. Havens, the same was laid on the table.

On motion of Mr. Davis, the House adjourned till 2 o'clock this afternoon.

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#### AFTERNOON SESSION.

The House met pursuant to adjournment, the Speaker<sup>r</sup> in the chair.

Mr. Leeper from the Committee on Engrossed Bill, submitted the following report:

MR SPEAKER:

The Committee on Engrossed Bills have carefully compared Joint Resolution No. 6, and House Bills Nos. 69, 132, 201, 222, with the original copies, and find the same in all things correctly engrossed.

Which was concurred in.

On motion of Mr. Davis, House Bill No. 183 was taken from the table and referred to the Committee on Judiciary, requesting that committee to inquire into the authority of Common Councils to fulfil the provisions of said bill.

Mr. Trusler presented two petitions on the subject of the protection of pigeons while nesting.

Which was referred to the Committee on Rights and Privileges.

Mr. Gilbert presented the report of the majority of the Special Committee appointed at the last session of the Legislature to report upon plans, etc., for a new State House.

Which was referred to the Joint Committee on Public Buildings with orders to have one hundred and fifty copies printed.

Which majority report was in the words and figures following to wit :

#### REPORT OF JOINT COMMITTEE ON STATE HOUSE PLANS.

*To the Senate and House of Representatives*

*of the General Assembly :*

GENTLEMEN :—The undersigned committee, consisting of three members of the Senate and three members of the House, together with the Governor and Lieutenant Governor, appointed by concurrent resolution of the last preceding session of the General Assembly, and authorized and required to procure plans suitable for a new State Capitol, and to recommend the three plans which in their judgment should be best adapted to the wants of the State, have endeavored to discharge this duty to the best of their ability, and beg leave to report.

The resolution under which they were appointed recites that a necessity exists for the erection of a new State Capitol ; that the committee procure and recommend plans, having “a due regard to economy in the erection of public buildings,” and that the proposed new State House should not cost “to exceed two million dollars.” Your committee have therefore assumed, as in duty they are bound to do, that their appointment under the terms of this resolution was made in good faith ; that the intention of the General Assembly was expressed therein ; that the of a State House would be authorized if they procured suitable plans, and that they must be able to assure

the General Assembly, with reasonable certainty, that the plans recommended by them could be executed within the limit. On this theory they have proceeded, and now submit to you the result of their labors.

Your committee can not persuade themselves that so intelligent a body of representative men as those who compose the present General Assembly can have any doubt as to the necessity for a new State House. That the present building is totally inadequate to the public service is evidenced by the fact that nearly all the public officers have been compelled to find quarters elsewhere; and that even the Legislative department is compelled to rent rooms for its committees at hotels or wherever they can be had; by the fact that the present structure is so dilapidated and illy ventilated and warmed, as to be unhealthy and unsafe; and by the fact that the invaluable records of the State are in a building so inflammable in its character that in a single hour they may be irreparably destroyed by fire.

The only questions which can occur to you are, whether the necessity for a State House is so urgent as to require immediate action, and whether there are not other needs of more pressing importance. To such suggestions as that there is danger of corruption in the prosecution of this work, and that the taxes required to raise the necessary revenue will be oppressive to the people, your committee can attach but little weight. It will not require any more tax to build now, nor is there greater danger of corruption than there will be in the future. Your committee would be ashamed to believe that Indiana is too poor to build a decent State House, or that your Governor could not find honest men enough in the State to whom he could entrust this work. But if any member should feel that one or even two additional insane asylums are needed, and that these should take precedence of the State House, we can readily admit it. If the General Assembly will consider the fact that the erection of large edifices, like State houses or insane asylums, is a work of time, they will readily see that all may be authorized, and may progress simultaneously, and yet not involve excessive taxation or expenditure. A tax of five cents on the hundred dollars of valuation of the property of the State, continued for six years, would produce a revenue large enough and fast enough for the erection of a \$400,000 asylum and two-million-dollar State House; and an additional cent would

provide for two asylums, each with a capacity of six hundred patients. Five years, besides the present, will be required in the erection of a State-house, and two years of an asylum, and the tax and expenditures thus distributed would not be oppressive.

True economy does not consist in refusing to expend money when needed, but in its judicious application to useful purposes. If the State government is not worth maintaining let it be abolished, and let us look to the General Government alone for protection. But if it is worth maintaining, as surely all agree that it is, then let us provide sufficient, decent and safe public buildings in which to transact the public business. Every instinct of State love and State pride urge that our great, growing and prosperous commonwealth, across whose territory daily rolls the rich commerce of the East and West, shall be immediately provided with a decent State House.

The first meeting of your committee was held on the 28th day of May, 1873, and after a free interchange of views in regard to their duties, it was resolved that the members should prepare themselves for an intelligent discharge of their responsibilities, by visiting and inspecting such public buildings as they might find opportunity, and by making themselves as far as possible acquainted with architecture. Your committee, therefore, either together or by individual members, have inspected the State houses at Springfield, Lansing, Albany, Hartford, Columbus, Nashville and Frankfort, and have examined a great variety of plans, prints and descriptions of public buildings. They have done this that they might be able to recommend to you as the best plan such an one as would combine beauty, durability, convenience and economy; and that their recommendations might have due weight in your final decision.

At the next meeting of the committee all the State officers were invited to a conference with them, the Secretary of State was appointed to act as Secretary of the committee, and was thenceforth associated with them in all their proceedings. Advertisements were prepared and published, asking for the submission of plans, and stating the limitations on the cost thereof. A pamphlet was also prepared and distributed to architects, giving a plan of the State House grounds, a schedule of the approximate space required, and the rules and limitations by which they must be governed. A copy of this pamphlet is herewith transmitted.

The 15th of September, 1874, was the time finally designated for the submission of such plans, and the office of the Secretary of State as the place.

On assembling at the time designated they found that there had been submitted to them for competition eighteen plans, besides several others for inspection, or as modifications of competing plans. They found, also, that it would be impossible to open, inspect and compare these plans at the office of the Secretary, because there was neither room nor privacy. The State having no suitable place, they were compelled to rent and furnish rooms; and for this purpose secured for six months the upper floor of Mantindale's new block, on Market street.

Had the committee been disposed to act superficially they might have examined these plans as pictures, and selected those which seemed most sightly, or those of the largest dimensions, or those of the least estimated cost. But they determined they would themselves examine the proposed construction of each plan, and verify for themselves, as far as possible, the estimates on each. They have, therefore, spent weeks of careful and patient investigation, have required from architects estimates of cost in detail, have given to them opportunity of personal explanation, and have made many tables and figures of comparison. And hence they feel that they can say to you, with great confidence, that the plans they now submit to you are such as will meet the necessities of the public service, and that they can be executed inside of \$2,000,000. They feel that they are prepared to appear before the General Assembly and give such explanations and reasons for their decisions as will be satisfactory; and that you will not fail to appreciate the great amount of time and thought they have bestowed on the trust confided to them.

Your committee, in presenting three plans, as the best under the conditions and limitations of their appointment, would by no means have you conclude that they are perfect, for there was not a plan before them they would not require to be modified in some particulars, and we are not even willing to affirm that these three plans are absolutely the best of the eighteen; but simply that they are the best which come within the limitations imposed. Your committee have reason to believe that they have been singularly fortunate in having presented to them so many plans of merit. With one or two exceptionl, all of them have been really good

plans, and in some instances it has been difficult to determine between them. Three or four plans of very great merit they have reluctantly set aside because they could not conscientiously assure you that they could be executed within the sum limited. But it would be impossible to give you in detail the reasons which have led them to decide against the plans not chosen by them; nor would it be just to do so, as the plans not chosen are the private property of the architects, and are not properly open to public criticism, and are to be returned to them as soon as you give your consent.

It is not the province of this committee to dictate to you the form of legislation by which you shall authorize and provide the erection of a State House, but in the discharge of their duties they have been compelled to consider not only the cost of such buildings and the time required in their construction, but also the methods of management by which expenditures are regulated and which exercise so important an influence on their cost. A loose and negligent law will give room for, if it does not produce, extravagance and peculation. Hence we have felt that we could do no more valuable service than to digest all the laws and methods within our reach and present the result to you in a bill. We have, therefore, prepared such a bill, and submit it as a part of our report, and ask your favorable consideration. We have endeavored to provide such a system of management as will secure official responsibility, guard the public money from all fraud and waste, and secure an intelligent, economical and honest superintendence of the building. The bill is elaborate, but not complicated, and there is no such uncertainty or conflict of duties as will leave room for leakages. As far as law can guard the public interest, we think we made ample provision.

In the prosecution of their work your committee have been compelled to consume time and meet expenditures, and they respectfully ask that your Committee on Claims will consider the financial report they will make by their Secretary. They also call your attention to the fact that the late Secretary of the State has given to them a large amount of valuable service; that they have been compelled to retain him since his exit from office, and that his services can not be dispensed with until the question of a State House is disposed of by your body. The plans are in his safe keeping; on him we depend to exhibit them to you during your session, and properly



to dispose of them afterward; and we do not doubt you will allow to him a fair compensation.

1. The plan selected by your committee and recommended for your adoption, as the best, is that of Mr. Charles Eppinghausen of Terre Haute. Its principal dimensions are: length, 432 feet, with porticos projecting 12 feet, making a total length of 456 feet. Width through the center, 240 feet, and with the porticos, 264 feet. The interior diameter of the dome is 70 feet, and its height above the ground line, 240 feet. The height of the ceiling of the basement story is 22 feet, of the main story 24 feet, of the second story 24 feet, and of the third story 14 feet; and the height from ground line to roof line, 88 feet. The style of architecture is the classic Roman, and for simple grace and beauty it undoubtedly excels any other plan before your committee. In its interior arrangements there are those your committee would peremptorily change. The Senate Chamber is at one end, and is admirably designed. The Hall of Representatives is under the dome, a circular chamber, one hundred and twenty feet high. This is an experiment to which your committee could not consent. If, therefore, the plan otherwise meets your approval, this Hall should be removed to the wing opposite the Senate and constructed in a similar manner, the State Library placed under the dome, and the Supreme Court room placed in the wing marked for the Library. But you are invited to inspect and criticise the designs for yourselves.

2. The plan selected and recommended by the committee as the second best is that of Mr. J. C. Johnson, of Fremont, Ohio. Its style is that of which is called modern Renaissance, having towers and a Mansard roof. Its length, exclusive of the porticos, is  $398\frac{1}{2}$  feet, and its width through the center 257 feet. The main building to top of cornice is 90 feet, and of the dome to top of lantern 280 feet. The doors, sash, frames and shutters, are all of iron. The arrangement of space is judicious, and it will meet every want of the State. Your committee find some objections to the plan, chiefly that the immense weight of the iron dome is supported on arched trusses instead of resting directly on the brick walls, that the floor of the rotunda on the main story is raised above the corridors and offices, thus compelling the officers to go up and down stairs in their daily communication.

3. The plan selected and recommended by the committee as the third best is that of Mr. G. B. F. Cooper, of New Albany.

The style of the plan is also the modern Renaissance, but differs totally in its appearance and arrangements from the former. Its form is that of a Greek cross, the intersecting corners filled with towers, while from the center arises the dome; all its fronts are alike and its measurements equal. The length and width are 350 feet each, exclusive of the porticos. The height to main cornice is 81 feet, and to deck line 98 feet. The rotunda is 74 feet, and on the legislative floor, appropriated to the State Library. The external diameter of the dome is 114 feet, and its height to top of lantern  $273\frac{1}{2}$  feet. Its weight rests direct on two walls rising from the ground, and the space between them constitutes a circular corridor in which are the principal stairways. For compactness and availability of space and convenience of business no plan is equal to this. But your committee have decided that the dome is too large and the general appearance of the building too buncy to stand first in their esteem.

In the brief description of the plans, your committee have felt that it was due to you as well as themselves to point out the main objections, as well as the advantages, of those recommended, and they submit to your taste and judgment the final decision of the question. To the report we append a tabular statement of the estimated cost. They believe these estimates to be as nearly correct as it is possible to make them with the data on hand, and that you may feel assured that each one of these plans can be executed for the price named. You will see that they have recommended the cheapest plan as the best. ~~Eppinghausen's~~ plan will cost \$1,610,462; Cooper's plan will cost \$1,803,807; and Johnson's plan will cost \$1,868,803. These figures represent the cost of the naked building. To this there must be added furnishing for which \$50,000 will be a fair and sufficient allowance, and also the payment of the architect and superintendence. If the above cost of the naked building be taken, and there be added ten per cent. for all changes, charges, and contingencies, an amount your committee are satisfied is fully sufficient for the purpose, the cost would then be, for Eppinghausen's plan, \$1,771,508; for Cooper's plan, \$1,994,187; and for Johnson's, \$2,055,683. But if you should choose Johnson's plan, and substitute wood for iron frames, doors and sash, which we would recommend; or, if you should choose Cooper's, and reduce the dome, there would be a fair margin left for all contingencies. But, in any event the plan we

recommend to you as first best, leaves an ample margin, and there can not be a shadow of doubt that it can be executed, completed and ready to be occupied inside of the prescribed limit.

*Table of Comparative Cost as per Itemized Statement from Architect's Estimates.*

ITEMS OF WORK AND MATERIAL.	Eppinghausen's	Johnson's.	Cooper's.
Foundations.....	\$65,445	\$242,943 22	\$108,379 96
Cut Stone.....	539,326	524,234 00	551,460 00
Ornamental, etc.....	34,500	57,836 70	47,926 00
Brick.....	232,000	245,995 46	171,624 06
Plastering .....	85,549	31,287 00	60,873 93
Iron. . . . .	268,845	448,121 66	548,881 04
Copper, Galvanized Iron, etc.....	29,578	46,894 00	18,768 00
Steam, gas and water.....	102,903	64,267 00	61,360 00
Painting and glazing.....	78,087	75,014 38	86,314 81
Carpenter work.....	63,658	110,262 00	99,271 76
Tunnels and Sewers .....	8,815	848 00	2,567 52
Statuary.....	51,600	3,000 00	33,180 10
Miscellaneous.....	50,157	18,000 00	13 200 00
Totals .....	\$1,610,462	1,868,803 42	\$1,803,807 08

In conclusion, allow us to express our gratification at the confidence manifested in our appointment to this important trust, and to ask your earnest attention and immediate action, that no time may be lost in the consummation of the desirable result contemplated in our appointment.

Respectfully submitted,

(Signed)

HARVEY D. SCOTT,  
C. W. CHAPMAN,  
EDWARD KING,  
D. C. BRANHAM.

As requested by the Joint Resolution, we met the committee and participated in its deliberations as frequently as we could, and gave

the matter referred to careful attention, and concur with the committee in their recommendation of plans.

THOMAS A. HENDRICKS, Governor.

LEONIDAS SEXTON, Lieut. Governor.

Mr. Gilbert introduced

House Bill No. 256. An act to authorize and provide for the erection of a new State House, and for matters incident thereto.

Which was read a first time and referred to the Joint Committee on Public Buildings, with instructions to print 150 copies for the use of the members of the House.

Mr. Darnall moved to reconsider the reference of the Governor's Message on the subject of Beaver Dam.

Which motion prevailed.

And, on motion of Mr. Darnall, said message was referred to the Committee on the Judiciary.

The Speaker laid before the House the minority report from the Special Committee appointed by the last General Assembly to report plans, etc., for a new State House, and the same was referred to the Joint Committee on Public Buildings with instructions to have one hundred and fifty copies thereof printed.

Which minority report was in the words and figures following, to-wit :

#### MINORITY REPORT.

*To the General Assembly of the State of Indiana :*

We, the undersigned members of the Joint Committee to select plans for a new State House, beg leave to submit the following minority report :

That we agree fully in the bill reported by the committee. We also agree with all the reports and recommendations there presented,

with the exception of recommending the plan of Charles Eppinghausen as the first choice of the committee. We recommend the plan of Elijah E. Myers as our first choice, from the fact that it is far superior, larger, executed more in detail, and the specifications are more full and complete than any other plan submitted, and he has offered more guarantees than the authors of either of the other plans submitted—that his plan can be executed inside of the two millions of dollars. And we further ask, in vindication of our action herein taken, that the plans and specifications be thrown open for the investigation of the Senate and House of Representatives.

M. R. SLATER,

L. D. GLAZEBROOK.

Mr. Keightly offered the following resolution :

*Resolved*, That the plans for the construction of a State House be thrown open to the inspection of members of the House of Representatives for the next ten days, and that said plans remain as they now are, and be confined to the plans of the majority and minority, for the inspection of the members of the House.

Mr. Darnall moved to amend, by making the time “until the Joint Committee report.”

Mr. Forkner moved to amend the amendment by striking out any specific time.

Which motion prevailed.

Mr. Marvin of Boone, moved to lay the resolution and amendments on the table.

Mr. Kennedy of Marion, and Mr. Davis demanded the ayes and noes.

The question being, shall the resolution and amendments lie on the table?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bence, Brown of Jasper, Brown of Rush, Caldwell, Cantley, Charters, Collins, Crane,  
H. J.—24

Crumpacker, Favorite, Gilbert, Harris of Madison, Johnson of Dearborne, Law, Marvin of Boone, Megenity, McCord, McMichael, Nash, Osborn, Pyeatt, Ragan, Shaffer, Shortridge, Thompson of Henry, Waterman and Willett—32.

*Those who voted in the negative were,*

Messrs. Burson, Clark, Dale, Darnall, Davison, Davis, Edwards, Emerson, Evans, Forkner, Fulk, Glasgow, Gossman, Harper, Harris of Wayne, Havens, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Fountain, Miller of Vanderburgh, Montgomery, Morgan, McFadden, Patterson, Pfafflin, Ramsey, Reddick, Reeder, Reno, Ribble, Romine, Rosberry, Shugart, Smith, Taylor of Daviess, Thomas, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Williams of Brown, Williams of Lawrence, Woody and Mr. Speaker—59.

So the resolution was not laid on the table, and the same as amended by Mr. Forkner was adopted.

Mr. Kennedy of Montgomery, offered the following resolution :

*Resolved*, That it is the sense of this House that the present General Assembly should take some steps towards the building of a new State House.

Mr. Havens moved that this resolution do lie on the table and be made a special order for next Friday at 2 o'clock, p. m.

Mr. Forkner moved to amend by fixing the time next Friday week, February 5th.

Which motion prevailed, and the resolution was made the special order for Friday, February 5th, at 2 o'clock, p. m.

Mr. Burson offered the following concurrent resolution :

*Resolved, by the House of Representatives, the Senate concurring*, That the question as to whether the State shall erect a State House be by the Governor submitted to the people at a special election to

be held at some time to be fixed by him in April, 1875, under the proper regulations, and that the Governor submit the result of said election to the Legislature at its next or a special session.

Which was referred to the Joint Committee on Public Buildings.

The following message was received from the Senate by the Secretary thereof :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed Senate Engrossed Bill No. 22, entitled " A Bill fixing the times of holding Circuit Courts and the length of terms thereof in the several counties of the Thirtieth Judicial Circuit of the State of Indiana," and declaring an emergency.

And the same is herewith transmitted to the House for its action.

Mr. Burson moved to suspend the order of Business, and that engrossed Senate Bill No. 22, just received from the Senate, be read a first time.

Which motion prevailed, and the bill was read a first time.

Mr. Burson moved to suspend the rules, and that the bill be read a second time.

The question being, shall the rules be suspended ?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davison, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Havens, Haynes, Highway, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Law, Leeper,

Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr. Speaker—91.

No one voting in the negative.

So the rules were suspended and the bill read a second time.

Mr. Burson moved the suspension of the rules, and that the bill be read a third time.

The question being, shall the rules be suspended?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davison, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Highway, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody and Mr. Speaker—89.

No one voting in the negative.

So the rules were suspended.



The question now being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davison, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody and Mr. Speaker—90.

No one voting in the negative.

So the bill passed.

Mr. Morgan moved to take up House Bill No, 132.

Which motion prevailed.

Engrossed House Bill No. 132, was read a third time and put upon its passage.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davison, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Gilbert, Glasgow,

Gossman, Harper, Harris of Madison, Harris of Wayne, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Leeper, Martin of Franklin, Marvin of Boone, Megenity, Montgomery, Morgan, McCord, McMichael, Nash, Osborn, Pyeatt, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shortridge, Shugart, Smith, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn Waterman, Williams of Brown, Williams of Lawrence, Woody and Mr. Speaker—80.

*Those who voted in the negative were,*

Messrs. Fulk, Havens, Law, Lincoln, Martin of Wells, Miller of Vanderburgh, McFadden, Patterson, Pfafflin and Willett—11.

So the bill passed.

Mr. Glasgow, from the Special Committee to whom was referred House Bill No. 224, submitted the following report:

MR SPEAKER:

The Special Committee to whom was referred House Bill No. 224, "A bill for an act to fix the time for holding court in the Thirty-fifth Judicial Circuit," have had the same under consideration and instruct me to report the same to the House with the following amendments. Strike out from Section 1 the words "fourth Monday of January, third Monday of April, fourth Monday of August, and the third Monday of November," and insert in lieu thereof the words, "on the first Monday in February, the fourth Monday in April, the first Monday in September, and the fourth Monday of November of each year;" and, also, to strike out the word "three" between the words "noble" and "weeks," and insert the word "four" instead thereof, and with these amendments they recommend that it pass.

Which report was concurred in.

House Bill No. 224, introduced by Mr. Glasgow, was reported back by the Special Committee of three with amendments, with the recommendation that it be engrossed.

It was so ordered.

Mr. Havens moved to take up House Bill No. 78, and place the same on its passage.

Which motion prevailed.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Barney, Bellows, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crumpacker, Dale, Davis, Favorite, Forkner, Fulk, Harper, Harris of Madison, Havens, Henderson, Hopkins, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Leeper, Martin of Franklin, Martin of Wells, Marvin of Fountain, Miller of Vanderburgh, McCord, McFadden, McMichael, Osborn, Patterson, Pfafflin, Ribble, Romine, Roseberry, Thomas, Thompson of Henry, Thompson of Marion, Waterman, Willett, Williams of Brown, Woody and Mr. Speaker—50.

*Those who voted in the negative were,*

Messrs. Anderson, Arnold, Bence, Crane, Darnall, Davison, Edwards, Emerson, Evans, Gilbert, Glasgow, Gossman, Harris of Wayne, Haynes, Highway, Heller, Horn, Kennedy of Montgomery, Kennedy of Morgan, Law, Lincoln, Marvin of Boone, Megenity, Montgomery, Morgan, Nash, Pyeatt, Ramsey, Ragan, Reddick, Reno, Shaffer, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Trusler, Twibill, Walz, Washburn and Williams of Lawrence—42.

So the bill failed to pass for want of a constitutional majority.

Mr. Marvin of Boone, moved to take up the business on the Speaker's desk.

Which motion prevailed.

Engrossed Senate Bill No. 68. An act to amend and supplementary to an act providing for voluntary assignments of personal and real property, approved March 5, 1859.

Which was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Bursen, Caldwell, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davison, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Highway, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boon, Marvin of Fountain, Megenity, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence and Woody—91.

No one voting in negative.

So the bill passed.

Mr. Marvin of Boone was called to the Chair.

Engrossed Senate Bill No. 25, was read a second time and referred to the Committee on Organization of Courts of Justice.

When on motion of Mr. Woody, the House adjourned until tomorrow morning at 9 o'clock.

DAVID TURPIE,

Speaker.

## THURSDAY MORNING.

JANUARY 28, 1875, 9 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

The House was opened with prayer by the Rev. Dr. Day.

The Journal of yesterday was read in part, when on motion of Mr. Darnall, the further reading thereof was dispensed with.

Mr. Davis introduced the following resolution :

*Resolved*, That the Committee on Organization of Courts of Justice be, and they are hereby instructed to report back to the House on Tuesday morning next, at 9:30 o'clock, the bill now in their possession for the repeal of the Criminal Circuit Courts in the counties of Floyd and Clark.

Mr. Williams of Brown moved the previous question.

The question being, shall the resolution be adopted?

Messrs. Davis and Glasgow demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Anderson, Arnold, Barney, Bellows, Brown of Rush, Burson, Caldwell, Clark, Crumpacker, Davis, Edwards, Emerson, Havens, Haynes, Henderson, Hopkins, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Miller of Vanderburgh, Montgomery, McCord, Osborn, Patterson, Pyeatt, Pfafflin, Romine, Roseberry, Shaffer, Shaw, Shugart, Thomas, Thompson of Marion, Walz, Washburn, Waterman, Willett and Williams of Brown—48.

*Those who voted in the negative were,*

Messrs. Ames, Bence, Brown of Jasper, Charters, Collins, Crane, Dale, Davison, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Heighway, Heller, Horn, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Megenity, Morgan, McFadden, McMichael, Ramsey, Ragan, Reeder, Reno, Ribble, Shortridge, Smith, Snyder, Taylor of Daviess, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Mr. Speaker—43.

So the resolution was adopted.

The Speaker called the committees for reports.

Mr. Caldwell, from the Committee on Ways and Means, submitted the following report :

MR. SPEAKER :

The Committee on Ways and Means, to whom was referred Resolution No. 17, granting aid to the people of the States of Nebraska and of Kansas, have had the same under consideration, and recommend that it do lie on the table.

Which report was concurred in, and the resolution ordered to lie on the table.

The Committee on Ways and Means made the following report :

MR. SPEAKER :

The Committee on Ways and Means, to whom was referred House Bill No. 225, entitled, "An act appropriating one thousand dollars to the Indiana Horticultural Society, prescribing when and to whom it shall be payable, and how it shall be used by said Society," have had the same under consideration, and recommend that it do pass.

Which was adopted.

House Bill No. 225, introduced by Mr. Ragan, was reported back by the Committee on Ways and Means, recommending that the bill be engrossed.

Which was so ordered.

The following report was made from the Committee on Judiciary :

MR. SPEAKER :

The Committee on Judiciary, to whom was referred House Bill No. 185, have had the same under consideration, and have directed me to report said bill back to the House, with the following recommendations :

First. That the title to said bill be amended by striking out thereof all from the word "also," to the word "final," and inserting in the stead thereof the following: "And to amend sections fifty-six and sixty-four of an act entitled, 'An act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers, and duties in civil cases,' approved June 9, 1852," and by striking out thereof all after the word "and," in line 21.

Second. That section 1 of said bill be amended by striking out thereof the words "exclusive and," and by inserting in said section the word "original," between the words "exclusive" and "jurisdiction," in line 2 of said section.

Third. That section 2 of said bill be stricken out, and the following be substituted in its stead, viz:

SEC. 2. That section fifty-six of an act entitled, "An act providing for the election and qualification of Justices of the Peace, and defining their powers and duties in civil cases," approved June 9, 1852, be amended so as to read as follows: New trials may be granted by Justices at any time within four days after entering judgment, according to the usages of the Circuit Court, notice of the motion therefor having been given to the opposite party unless such motion is made in his presence, or the presence of the agent or attorney who conducted his suit. *Provided*, that in case where the value of the property or amount in controversy before such Justice

is not fifty dollars or over, either party shall be entitled to a new trial, as a matter of right, within such time, by paying all costs of the former trial, or confessing judgment therefor before such Justice.

Fourth. That section three of said bill be stricken out and the following be substituted in its stead, that section sixty-four of the last above named act be amended so as to read as follows, to wit: "Any party may appeal from the judgment of any Justice of the Peace to the Circuit Court of the county within thirty days from the rendition thereof, in all cases where the value of the property or the amount in controversy is fifty dollars or over, and when there are two or more plaintiffs or defendants, one or more of such plaintiffs or defendants may appeal without joining the others in such appeal."

Fifth. That section five of said bill be stricken out.

Sixth. That said bill when so amended pass.

The report was concurred in, and the amendments adopted.

House Bill No. 185, introduced by Mr. Johnston of Dearborn, was reported back with amendments by the Committee on Judiciary, recommending that the bill as amended pass.

Said bill ordered to be engrossed.

Mr. Heller from the Committee on Organizations of Courts of Justice submitted the following report:

MR. SPEAKER:

Your Committee on Organization of Courts of Justice have had under consideration House Bill No. 231, in relation to the abolition of the Criminal Court of Vanderburgh county and have instructed me to report the same back with the recommendation that it pass.

Which report was concurred in.

House Bill No. 231, introduced by Mr. Pfafflin, was reported back by the Committee on Organization of Courts recommending that the bill pass.

It was ordered to be engrossed.



Mr. Collins, from the Committee on Organization of Courts of Justice, submitted the following report:

MR. SPEAKER :

The Committee on Organization of Courts of Justice, to whom was referred House Bill No. 212, introduced by Mr. Williams of Brown, on the subject of setting fire to grounds, have directed me to report said bill back to the House with the recommendation that said bill be recommitted to the Committee on Rights and Privileges of the Inhabitants of the State.

Which report was concurred in.

House Bill No. 212, introduced by Mr. Williams of Brown, was reported back by the Committee on Organization of Courts, recommending that it be recommitted to the Committee on Rights and Privileges.

Which was so ordered.

The following report was made from the Committee on Fees and Salaries :

MR. SPEAKER :

Your Committee on Fees and Salaries, to whom was referred House Bill No. 1, of an act to repeal an act entitled, "An act in relation to the organization of the two Houses of the General Assembly, prescribing the number of officers and employes of each House, and regulating their duties and declaring an emergency," beg leave to report said bill back to the House with the recommendation that it be laid on the table, for the reason that another bill on the same subject is pending before another committee.

Which was concurred in.

House Bill No. 1, introduced by Mr. Waterman, was reported back by the Committee on Fees and Salaries with the recommendation that it lie on the table.

Which was so ordered.

Mr. Thompson of Marion, from the Committee on Rights and Privileges, submitted the following report :

MR. SPEAKER :

Your committee, to whom was referred House Bill No. 35, recommend that the same lie on the table.

Which report was concurred in.

House Bill No. 35, introduced by Mr. Henderson, was reported back by the Committee on Rights and Privileges with the recommendation that it lie on the table.

It was so ordered.

Mr. Heller introduced

House Bill No. 257. An act compelling all corporations or voluntary associations organized under the laws of this State to have a copy of their certificates of incorporation or articles of association filed and recorded in the office of the Secretary of State.

Which was read a first time

Mr. Heller introduced

House Bill No. 258. An act to amend the second section of an act entitled "An act to amend the second section of an act entitled an act to amend the fifth and sixth sections of an act entitled an act to provide for the election of a Reporter, and a speedy publication of the decision of the Supreme Court, and for the compensation of such Reporter," approved February 28, 1855. Also, to amend the seventh section of an act entitled "An act to provide for the election of a Reporter, and the speedy publication of the decisions of the Supreme Courts, and for the compensation of such Reporter," approved February 5, 1852, which act was approved March 6, 1865.

Which was read a first time.

Mr. Emerson presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Williams of Brown, introduced

House Bill No. 259. An act to prevent the collection of attorney's fees and notes, bonds and agreements in writing, conditioned for the payment of money, and declaring an emergency.

Which was read a first time.

Mr. Johnson of Carroll introduced

House Bill No. 260. An act to incorporate the "Prince William Horse Protection Company."

Which was read a first time.

Mr. Taylor of Daviess, presented a petition on the subject of temperance, which was referred to the Committee on Temperance.

Mr. Barney moved that House Bill No. 50 be taken from the table and referred to the Committee on Cities and Towns.

Which motion prevailed.

Mr. Davis presented two petitions on the subject of the abolition of the Criminal Court of Floyd and Clarke counties, which was referred to the Committee on Organization of Courts of Justice.

Mr. Marvin of Fountain introduced

House Bill No 261. An act to authorize the change of county boundaries.

Which was read a first time.

Mr. Clark introduced

House Bill No. 262. An act to amend sections one and three of an act entitled, "An act supplementary to and amendatory of an act entitled, 'An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon,' approved December 21st, 1872, and adding a supplementary section thereto."

Which was read a first time.

Mr. Forkner introduced

House Bill No. 263. An act prohibiting the selling, bartering, or giving away of intoxicating liquors, at retail, by all persons not duly licensed thereunto.

Which was read a first time.

Mr. Forkner introduced

House Bill No. 264. A bill providing for appeals from the decisions of Boards of Commissioners.

Which was read a first time.

Mr. Smith presented a petition on the subject of fees and salaries, which was referred to the Committee on Fees and Salaries.

Mr. Darnall offered the following resolution:

*Resolved*, That the Committee on Benevolent Institutions be instructed to inquire into the expediency of having all the moneys collected from persons violating the present liquor law, and also all moneys that may be collected for any license that may be collected under any license law that may hereafter be enacted, as well as all forfeitures, fines, and penalties that may be collected, to be set apart to create a fund to build an asylum for the treatment and taking care of habitual drunkards.

Which was referred to the Committee on Benevolent and Scientific Institutions.

Mr. Turpie introduced

House Bill No. 265. An act supplementary to an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, and declaring an emergency.

Which was read a first time.

Mr. Roseberry presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Kennedy of Montgomery offered the following resolution :

*Resolved*, That hereafter the sessions of this House shall begin at 10 o'clock, a. m., instead of 9 o'clock as now.

The question being, shall the resolution be adopted ?

*Those who voted in the affirmative were,*

Messrs. Anderson, Arnold, Barney, Bence, Brown of Jasper, Burson, Caldwell, Charters, Clark, Collins Crane, Dale, Darnall, Davison, Emerson, Forkner, Glasgow, Harper, Harris of Madison, Harris of Wayne, Heller, Hopkins, Horn, Jackson, Johnson of Carroll, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Leeper, Lincoln, Marvin of Boone, Miller of Vanderburgh, Montgomery, McCord, McFadden, Osborne, Pfafflin, Ragan, Reddick, Ribble, Shaffer, Shaw, Shortridge, Shugart, Snyder, Thomas, Thompson of Marion, Twibill, Walz, Washburn, Williams of Lawrence and Woody—52.

*Those who voted in the negative were,*

Messrs. Bellows, Brown of Rush, Cantley, Crumpacker, Davis, Edwards, Evans, Favorite, Fulk, Gilbert, Gossman, Havens, Haynes, Highway, Johnston of Dearborn, Keightly, Kennedy of Marion, Law, Martin of Franklin, Martin of Wells, Marvin of Fountain, Megenity, Morgan, McMichael, Nash, Pate, Patterson, Pyeatt, Ramsey, Reeder, Reno, Romine, Roseberry, Smith, Taylor of Daviess, Thompson of Henry, Trusler, Waterman, Willett, and Williams of Brown—40.

So the resolution was adopted.

Mr. Ragan offered the following resolution :

*Resolved*, That it is important that committees of this House should have access to the books in the State library, therefore be it,

*Resolved*, That the State Librarian be requested during the remainder of this session to open the library to such committees at eight o'clock a. m., of each day, and the Secretary be instructed to inform the Librarian of the passage of this resolution.

Which was adopted.

Mr. Keightly introduced

House Bill No. 266. An act to protect the manufacturers of bottles of mineral water, ale, cider, beer and gingerpop.

Which was read a first time.

Mr. Nash introduced

House Bill No. 267. An act to amend the second and third sections of "An act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana and to apportion the same among the several counties of the State."

Which was read a first time.

Mr. Nash introduced

House Bill No. 268. An act to amend an act entitled "An act supplementary and amendatory to an act entitled 'an act to provide for a uniform assessment of property, and for the collection and return of taxes thereon,'" approved December 21, 1872, approved March 8, 1873.

Which was read a first time.

Mr. Havens offered the following resolution:

*Resolved*, That the Indiana Editorial Association now in session in this city be invited to visit this House this afternoon and that they be allowed seats within the bar of the House.

Which was adopted.

Mr. Dale offered the following resolution :

*Resolved*, That it is the sense of this House that the per diem of members of the Legislature should be fixed at a definite sum, cutting off all allowances and perquisites, and in consideration of the fact that the Committee on Fees and Salaries have not reported any bill fixing such per diem, that they take this matter under advisement, if they have not already done so.

Which was adopted.

Mr. Pyeatt introduced

House Bill No. 269. An act to legalize the official acts of the Trustees of the town of Brownville, Warrick county.

Which was read a first time.

Mr. Harris of Wayne, presented a petition on the subject of temperance, which was referred to the Committee on Temperance.

Mr. Woody offered the following resolution :

*Resolved*, That the Committee on Temperance be requested to incorporate in any bill that they may report to this House, a section or sections granting the prayer of the forty thousand ladies of this State who have respectfully petitioned the House on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Patterson presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Joint Resolution, offered by Mr. Reno, was read a second time.

Mr. Forkner moved to lay the resolution on the table.

Messrs. Reno and Burson demanded the ayes and noes.

The question being, shall the resolution lie on the table,

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Brown of Jasper, Charters, Clark, Dale, Darnall, Favorite, Forkner, Fulk, Glasgow, Harper, Harris of Wayne, Heighway, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Morgan, Osborn, Pfafflin, Ragan, Reeder, Ribble, Shaffer, Shortridge, Shugart, Smith, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence and Woody—34.

*Those who voted in the negative were,*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Crumpacker, Davison, Davis, Edwards, Emerson, Evens, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Vanderburgh, McCord, McFadden, McMichael, Nash, Pate, Patterson, Pyeatt, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—60.

So the resolution did not lie on the table.

Mr. Heller moved to refer the same to the Committee on Federal Relations.

Which motion prevailed.

And the resolution was referred [to] the Committee on Federal Relations.

House Bill No. 233, introduced by Mr. Waterman, was read a second time.

Which, on motion of Mr. Marvin of Boone, was referred to the Committee on Fees and Salaries.



House Bill No. 234, introduced by Mr. Gossman, was read a second time.

Which, on motion of Mr. Gossman, was referred to the Committee on Railroads.

House Bill No. 235, introduced by Mr. Gossman, was read a second time.

Which, on motion of Mr. Gossman, was referred to the Committee on Temperance.

House Bill No. 236, introduced by Mr. Trusler, was read a second time.

Which, on motion of Mr. Trusler, was referred to the Committee on Roads.

House Bill No. 237, introduced by Mr. Davis, was read a second time.

Which, on motion of Mr. Davis, was referred to the Committee on Judiciary.

House Bill No. 238, introduced by Mr. Davis, was read a second time.

Which, on motion of Mr. Davis, was referred to the Committee on Organization of Courts of Justice.

House Bill No. 239, introduced by Mr. Davis, was read a second time.

Which, on motion of Mr. Davis, was referred to the Committee on Insurance.

House Bill No. 240, introduced by Mr. Davis, was read a second time.

Which, on motion of Mr. Davis, was referred to the Committee on Corporations.

House Bill No. 241, introduced by Mr. Davis, was read a second time.

Which, on motion of Mr. Davis, referred to the Committee on Judiciary.

House Bill No. 242, introduced by Mr. Shugart, was read a second time.

Which, on motion of Mr. Shugart, was referred to the Committee on Rights and Privileges of the Inhabitants of the State.

House Bill No. 243, introduced by Mr. Ames, was read a second time.

Which, on motion of Mr. Crumpacker, was referred to the Committee on Judiciary.

House Bill No. 244, introduced by Mr. Haynes, was read a second time.

Which, on motion of Mr. Haynes referred to the Committee on County and Township Business.

House Bill No. 255, introduced by Mr. Walz, was read a second time.

Which, on motion of Mr. Walz, was referred to the Committee on Agriculture.

House Bill No. 246, introduced by Mr. Ragan, was read a second time.

Which, on motion of Mr. Ragan, was referred to the Committee on Fees and Salaries.

House Bill No. 247, introduced by Mr. Romine, was read a second time.

Which, on motion of Mr. Romine, was referred to the Committee on Agriculture.

House Bill No. 248, introduced by Mr. McMichael, was read a second time.

Which, on motion of Mr. McMichael, was referred to the Committee on Temperance.

House Bill No. 249, introduced by Mr. McMichael, was read a second time.

Which, on motion of Mr. McMichael, was referred to the Committee on Rights and Privileges of the Inhabitants of the State.

House Bill No. 250, introduced by Mr. Nash, was read a second time.

Which, on motion of Mr. Havens, was referred to the Committee on the Judiciary.

House Bill No. 251, introduced by Mr. Shortridge, was read a second time.

Which, on motion of Mr. Shortridge, was referred to the Committee on Railroads.

House Bill No. 252, introduced by Mr. Pfafflin, was read a second time.

Which, on motion of Mr. Pfafflin, was referred to the Committee on Corporations.

House Bill No. 253, introduced by Mr. Havens, was read a second time.

Which, on motion of Mr. Havens, was referred to the Committee on Judiciary.

House Bill No. 254, introduced by Mr. Pfafflin, was read a second time.

Which, on motion of Mr. Pfafflin, was referred to the Committee on the Organization of Courts of Justice.

House Bill No. 255, introduced by Mr. Collins, was read a second time.

Which, on motion of Mr. Collins, was referred to the Committee on the Organization of Courts of Justice.

House Joint Resolution, introduced by Mr. Pfafflin, was read a third time.

The question being, shall the resolution pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crumpacker, Dale, Darnall, Davison, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Leham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Vanderburgh, Montgomery, Morgan, McCord, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Lawrence, Woody, and Mr. Speaker—91.

So the Joint Resolution was adopted.

House Joint Resolution No. 6 was read a third time.

Which, on motion of Mr. Havens, was made a special order for one week from to-day, at 2 o'clock p. m.

House Bill No. 67, introduced by Mr. Turpie, was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crumpacker, Dale, Darnall, Davison, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody and Mr. Speaker—92.

No one voting in the negative.

So the bill passed.

Leave of absence was granted to the Committee on Benevolent and Scientific Institutions, and also for Mr. Darnall, this afternoon from 3 o'clock.

On motion of Mr. Lincoln, the House adjourned till 2 o'clock this afternoon.

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#### AFTERNOON SESSION.

The House met pursuant to adjournment, the Speaker in the chair.

Engrossed House Bill No. 69, introduced by Mr. Kennedy of Montgomery, read a third time and put on its passage.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Bence, Burson, Clark, Collins, Crumpacker, Dale Darnall, Evans, Favorite, Fulk, Gilbert, Glasgow, Harper, Harris of Wayne, Heighway, Hopkins, Jackson, Johnson of Dearborn, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Leeper, Lincoln, Miller of Vanderburgh, Pate, Pfafflin, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shugart, Smith Snyder, Thomas, Trusler, Twibill, Waltz, Washburn, Willett, Williams of Lawrence and Woody—45.

*Those who voted in the negative were,*

Messrs. Barney, Bearss, Bellows, Brown of Jasper, Brown of Rush, Caldwell, Cantley, Charters, Crane, Davison, Davis, Edwards, Emerson, Forkner, Gossman, Harris of Madison, Havens, Haynes Heller, Henderson, Horn, Johnson of Carroll, Keightly, Lanham, Law, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Patterson, Pyeatt, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Shortridge, Taylor of Daviess, Thompson of Henry, Thompson of Marion, Waterman, Williams of Brown and Mr. Speaker—51.

So the bill failed to pass.

The following report was made from the Committee on Engrossed Bills :

MR SPEAKER :

The Committee on Engrossed Bills have carefully compared engrossed copies of House Bills Nos. 25, 101, 108, 164, and 216 with the original copies and find the same in all things correctly engrossed.

Which was concurred in.

Engrossed House Bill No. 201, introduced by Mr. Forkner, was read a third time and put on its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Bearss, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins Crane, Crumpacker, Dale, Darnall, Davison, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Gossman, Harper, Harris of Madison, Havens, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Morgan, Lanham, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Fountain, Miller of Vanderburgh, Montgomery, Morgan, McFadden, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn. Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody and Mr. Speaker—90.

*Those who voted in the negative were,*

Messrs. Barney, Glasgow, Kennedy of Montgomery, Marvin of Boone, Megenity and McCord—6.

So the bill passed.

Engrossed House Bill No. 79, introduced by Mr. Harris of Wayne, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bearss, Bellows, Bence, Bown of Jasper, Brown of Rush, Caldwell, Cantley,

Charters, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davison, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Vanderburg, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reddick, Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Mr. Speaker—93.

*Those who voted in the negative were,*

Messrs. Shaffer and Woody—2.

So the bill passed.

Leave of absence was granted Messrs. Bence and Nash until tomorrow morning.

Engrossed House Bill No. 191, introduced by Mr. Turpie, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bellows, Brown of Jasper, Brown of Rush, Burson, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Dale, Davison, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Henderson, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Martin of Franklin,



Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Osborn, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Marion, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, and Mr. Speaker—87.

*Those who voted in the negative were,*

Messrs. Bearss and Thompson of Henry—2.

So the bill passed.

Engrossed House Bill No. 193, introduced by Mr. Crane, was read a third time and put upon its passage.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Brown of Jasper, Brown of Rush, Burson, Charters, Clark, Collins, Crane, Darnall, Davison, Davis, Edwards, Emerson, Evans, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Henderson, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Fountain, Megenity, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Osborn, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Twibill, Walz, Washburn Willett, Williams of Brown, Williams of Lawrence, Woody and Mr. Speaker—80.

*Those who voted in the negative were,*

Messrs. Bearss, Bellows, Crumpacker and Favorite—4.

So the bill passed.

Engrossed House Bill No. 213, introduced by Mr. Waterman, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bellows, Brown of Jasper, Brown of Rush, Burson, Charters, Clark, Collins, Crane, Crumpacker, Dale, Davison, Davis, Edwards, Emerson, Evans, Favorite, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Heighway, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Fountain, Megenity, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Osborn, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody and Mr. Speaker—80.

*Those who voted in the negative were,*

Messrs. Bearss and Shaw—2.

So the bill passed.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled act of the House No. 46, "An act to authorize the United States of America to acquire title to land in the State of Indiana by condemnation, prescribing the manner in which such condemnation shall be made and declaring an emergency.

Also enrolled act of the House No. 232, entitled An act to amend Section sixty of an act entitled "An act to divide the State into circuits for judicial purposes, fixing the time for holding courts therein, abolishing the Court of Common Pleas, and transferring the business thereof to the Circuit Courts, and providing for the election of judges and prosecuting attorneys in certain cases," approved March 6, 1873, and providing for the return of processes, writs, subpœnas, venires, rules, orders of courts, and recognizances, which may have been taken or issued previous to the commencement of said terms as provided in this act, and declaring an emergency for the immediate taking effect of this act, and the same are herewith returned to the House.

Engrossed House Bill No. 222, substitute bill for House Bill No. 112, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bellows, Brown of Jasper, Brown of Rush, Charters, Clark, Collins, Crumpacker, Dale, Davis, Edwards, Emerson, Evans, Favorite, Fulk, Gilbert, Harper, Harris of Wayne, Haynes, Heighway, Horn, Johnson of Carroll, Johnston of Dearborn, Kennedy of Morgan, Lanham, Leeper, Lincoln, Martin of Franklin, Marvin of Fountain, Morgan, McCord, McFadden, Osbord, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reeder, Reno, Ribble, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Twibill, Washburn, Waterman, Willett, Williams of Brown and Woody—61.

*Those who voted in the negative were,*

Messrs. Bearss, Burson, Crane, Davison, Forkner, Glasgow, Gossman, Harris of Madison, Havens, Henderson, Jackson, Keightly, Kennedy of Marion, Kennedy of Montgomery, Martin of Wells, Megenity, Miller of Vanderburgh, Montgomery, McMichael, Reddick, Romine, Snyder, Walz, Williams of Lawrence—24.

So the bill passed.

• Mr. Havens offered the following resolution :

*Resolved*, That the consideration of the temperance question be made the special order for Wednesday of next week at 10 o'clock.

Mr. Forkner offered the following amendment :

That the special order include the majority and minority reports of the Committee on Temperance.

Which resolution as amended was adopted.

The Speaker laid before the House the following communication :

INDIANAPOLIS, January 28, 1875.

*Hon. Samuel W. Holmes,*

*Clerk of the House of Representatives :*

DEAR SIR:—I have the pleasure of acknowledging the receipt of your communication of this date with accompanying resolutions of the House inviting members of the Editors' and Publishers' Association of Indiana to visit the House of Representatives this afternoon and occupy seats within the bar of the House, and to inform the House that the time of the Association is so fully occupied that it is compelled to decline the invitation with regrets.

Very respectfully yours,

E. C. TUTTLE,

Secretary.

Leave of absence until next Tuesday, was granted Messrs. Waterman, Gossman, Osborn, Snyder, Emerson, Harris of Wayne and Shugart, to visit the Reformatory House at Plainfield.

Mr. Collins introduced

House Bill No. 270. An act regulating the fees of officers and providing penalties for its violations, repealing certain acts therein named, and providing duties to be performed by County and Township Officers and matters properly connected therewith and declaring an emergency.

Which was read a first time.

Mr. McMichael introduced

House Bill No. 271. An act conferring upon defendants in prosecution for felony the right to give evidence in their own behalf both in denial or in extenuation of the charge or charges preferred against them, and requiring juries in fixing punishments to take into consideration extenuating as well as aggravating circumstances, and making extreme provocation by words or acts on extenuating circumstances in felonies and misdemeanors, and repealing all laws or parts of laws in conflict with the provisions of this act.

Which was read a first time.

Mr. McMichael introduced

House Bill No. 272. An act making husbands and wives competent witnesses in all civil and criminal cases, when called in behalf of each other, but not as against each other, and repealing all laws or parts of laws conflicting with the provisions of this act.

Which was read a third time.

On motion of Mr. Dale, the House adjourned till to-morrow morning at 10 o'clock.

DAVID TURPIE,

Speaker.

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FRIDAY MORNING.

JANUARY 29, 1875, 10 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

The Journal of yesterday was read in part when on motion of Mr. Dale the further reading thereof was dispensed with.

H. J.—26

The following report was made from the Committee on Organizations of Courts:

MR. SPEAKER:

The Committee on Organization of Courts, to whom was referred House Bill No. 51, entitled "An act to abolish the Grand Jury system in the State of Indiana," etc., have had the same under consideration and have directed me to report the same back to this House with the recommendation that it be indefinitely postponed.

Which report was concurred in.

House Bill No. 51, introduced by Mr. Cantley, was reported back by the Committee on Organizations of Courts with the recommendation that the bill be indefinitely postponed.

Which was so ordered.

Mr. Thompson, from the Committee on Rights and Privileges, reported back House Bill No. 85 with amendments.

Which amendments and report were concurred in.

House Bill No. 85, introduced by Mr. Clark, was reported back with amendments by the Committee on Rights and Privileges with the recommendation that the bill be engrossed.

It was so ordered.

The following report was made from the Committee on County and Township Business:

MR. SPEAKER:

The Committee on County and Township Business, to whom was referred House Bill No. 160, have had the same under consideration and directed me to report it back to the House with the recommendation that it lie on the table.

Which report was concurred in.

House Bill No. 160, introduced by Mr. Ratliff, was reported back by the Committee on County and Township Business with the recommendation that the bill lie on the table.

It was so ordered.

The Committee on County and Township Business made the following report :

MR. SPEAKER :

The Committee on County and Township Business, to whom was referred House Bill No. 133 have had the same under consideration and direct me to report it back to the House with the recommendation that it lie on the table.

Which report was concurred in.

House Bill No. 133, introduced by Mr. Horn, was reported back by the Committee on County and Township Business, with the recommendation that the bill lie on the table.

It was so ordered.

The following report was made from the Committee on County and Township Business :

MR. SPEAKER :

The Committee on County and Township Business, to whom was referred House Bill No. 145, have directed me to report the same back to the House with the recommendation that it do pass.

Which report was concurred in.

House Bill No. 145, introduced by Mr. Martin of Wells, was reported back by the Committee on County and Township Business, with the recommendation that it pass.

Said bill ordered to be engrossed.

The following report was made from the Committee on County and Township Business :

MR. SPEAKER :

The Committee on County and Township Business, to whom was referred House Bill No. 244, have had the same under consideration and direct me to report it back to the House with the recommendation that it do pass.

Which report was concurred in.

House Bill No. 244, introduced by Mr. Haynes, was reported back by the Committee on County and Township Business, recommending that the bill pass.

Ordered to be engrossed.

The Committee on County and Township Business made the following report:

MR. SPEAKER :

Your Committee on County and Township Business, to whom was referred House Bill No. 175, report the same back to the House, with the recommendation that said bill be referred to the Committee on Judiciary.

Which report was concurred in.

House Bill No. 175, introduced by Mr. Horn, was reported back by the Committee on County and Township Business, with the recommendation that the bill be referred to the Committee on Judiciary.

It was so referred.

Mr. Hopkins introduced the following Concurrent Resolution :

WHEREAS, The Joint Committee appointed at the last session of the General Assembly to procure plans for a new State House, have reported their action to the present session ; and whereas, such report



has been referred to the consideration of the Joint Committee of the present session on Public Buildings ; therefore,

*Resolved, by the House of Representatives, the Senate concurring.* That the said Committee on State House Plans, be authorized to transfer to the possession of the said Committee on Public Buildings, the rooms, furniture, plans, books and papers pertaining to the proposed State House ; that the said Committee to procure plans be discharged from the further consideration of the subject.

*Resolved,* That the said Committee on Public Buildings be authorized and directed to take charge of said rooms and plans, safely and properly to put away those not selected, until they shall be returned to their owners, and to prepare said rooms and plans, under the charge of their Secretary, for a proper display and examination by the members of the General Assembly ; and that they instruct such Secretary not to exhibit such plans to any person but members of the General Assembly and officers of the State Government, until further directed.

Which concurrent resolution was adopted.

Mr. Marvin of Boone, presented petition on the subject of temperance.

Which was referred to Committee on Temperance.

Mr. Johnson of Carroll, introduced

House Bill No. 273. An act to amend an act entitled, "An act to enable the owners of wet lands to drain and reclaim them where the same can not be done without affecting the lands of others, prescribing the powers and duties of County Boards and County Auditors in the premises," and repealing all laws inconsistent therewith.

Which was read a first time.

Mr. Caldwell presented a petition from the Sheriff of Clinton county, on the subject of fees and salaries.

Which was referred to the Committee on Fees and Salaries.

Mr. Waterman offered the following resolution :

*Resolved*, That Committees reporting on bills be instructed to incorporate in said report the title of such bill, or the substance of such title so that members may vote understandingly on the disposition thereof.

Which was adopted.

Mr. Gossman introduced

House Bill No. 274. An act to amend section four, of an act entitled "An act regulating prosecutions in cases of bastardy and providing for the support of illegitimate children," approved March 6, 1852, to repeal all laws in conflict with this act and declaring an emergency.

Which was read a first.

Mr. Clark presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Brown of Jasper introduced

House Bill No. 275. An act amendatory of "An act to divide the State into circuits for judicial purposes."

Which was read a first time.

Mr. Crane offered the following resolution :

*Resolved*, That a special committee of five be appointed by the Speaker whose duty it shall be to report a bill for the consideration of this House in relation to the construction and working of public highways.

Which was laid on the table.

Mr. Darnall moved to refer the resolution to the Committee on Roads, and Burson and Crane as special members of said committee, to consider the subject of this resolution.

On motion of Mr. Havens, the resolution and amendment was ordered to lie on the table.

Mr. Kennedy of Morgan introduced

House Bill No. 276. An act to repeal an act entitled, "An act regulating interest on judgements, approved Feb. 5, 1873, and declaring an emergency."

Which was read a first time.

Mr. Kennedy of Morgan introduced

House Bill No. 277. An act to amend section 16 of an act entitled, "An act concerning promissory notes and bills of exchange," approved May 12, 1852.

Which was read a first time.

Leave of absence was granted Mr. Charters until 2 o'clock this afternoon, on account of sickness.

Leave of absence was granted Mr. Osborn until next Tuesday, on account of important business.

Leave of absence was granted Mr. Miller of Vanderburgh until next Monday, on account of important business.

Mr. Marvin of Fountain introduced

House Bill No. 278. A bill to amend the third section of the charter of the Covington Draw Bridge Company.

Which was read a first time.

The following message was received from the Senate by the Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed Engrossed House Bill No. 182,

being an act entitled "An act to repeal sections 272 and 273 of an act entitled an act to provide a uniform assessment of property, and for the collection and return of taxes thereon," approved December 21, 1872, and declaring an emergency, with the following engrossed amendments thereto, to-wit:

Amend the title of the bill by striking out the word "repeal" in the first line thereof, and insert in lieu thereof the word "amend."

Further amend the bill by striking out the words "and 273" in line four of the first section thereof, and further amend such first section by striking out the word "repeal" in the last line thereof and insert in lieu thereof the following:

Amended to read as follows: "Section 272, in all cases when any tract or lot of land is divided into parcels, so that it can not be described without describing it by metes and bounds, it shall be the duty of the owner to cause such land to be surveyed and platted into lots, such plat shall be certified and recorded. The description of real estate in accordance with the number and description set forth in the plat aforesaid, shall be deemed a good and valid description of the lot or parcel of land so described; *Provided, however,* That the provisions of this section shall not apply to any tract or parcel of land until the same shall have been returned delinquent, for the non-payment of taxes. And further, amend such bill by inserting between sections 1 and 2 the following section:

Section 2. And be it further enacted that section 273 of said act be and the same is hereby amended so as to read as follows: Section 273. If the owner of any such tract or lot of land shall refuse or neglect to cause such survey to be made within thirty days after being notified by the County Auditor of such delinquency, and requirement to make such plat, said Auditor shall cause such survey to be made and recorded, and the expense thereof shall be added to the tax levied on such real property, and when collected shall be paid on demand to the person to whom it is due.

And further amend such bill by changing the number of the second section thereof, so that its number shall be and read section 3.

Mr. McMichael offered the following resolution :

WHEREAS, Taxation is burdensome, and regarded by all classes with distaste ; and

WHEREAS, These burdens should be borne, not by one class of men, but by all in proportion to their ability so to do ; therefore,

*Resolved*, That the Committee on Railroads be and they are hereby instructed to examine the last report of the State Board of Equalization, with a view of considering the propriety of a re-appraisement of the great east and west lines of railroad through the State of Indiana, as some of them are not assessed at one-third the price they would bring if put up at auction ; and that said Railroad Committee report by bill or otherwise, to this House, for action thereupon.

Which resolution was adopted.

Mr. Shortridge introduced

House Bill No. 278. An act supplemental to an act entitled, "An act to amend sections 649 and 650 of the act entitled, 'An act to revise, simplify, and abridge the rules, practice, pleading, and forms in civil cases in the Courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.

Which was read a first time.

Mr. Dale introduced

House Bill No. 280. An act amending "An act approved May 14, 1869, authorizing the assessment of lands for plank, macadamized, and gravel roads, prescribing the manner of assessing and collecting the same," and repealing the law on that subject approved March 11, 1867.

Which was read a first time.

Mr. Ratliff presented a petition on the subject of public executions.

Which was referred to the Committee on Rights and Privileges.

Mr. Ratliff moved to suspend the order of business, and that the message from the Senate be taken up.

Which motion did not prevail.

Mr. Collins presented a memorial from citizens of Little York, Indiana, on the subject of incorporation.

Which was referred to the Committee on Judiciary.

Mr. Martin of Wells, introduced

House Bill No. 281. An act amending section fifty-one of the Justices' Act.

Which was read a first time.

Mr. Martin of Wells introduced

House Bill No. 282. An act authorizing County Boards to provide record books for Justices of the Peace.

Which was read a first time.

Mr. Martin of Wells, introduced House Bill No. 283. An act declaring the time within which bills of exceptions may be filed, etc.

Which was read a first time.

Mr. Glasgow introduced

House Bill No. 284. A bill to provide for the incorporation of any public or private cemetery already laid out and recorded when any of the lots therein are occupied for the burial of the dead, and to provide for its maintenance and additions thereto. The collections of assessments thereon, and the election of officers for its government.

Which was read a first time.

Mr. Turpie introduced

House Bill No. 285. An act to amend section 354 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity and declaring an emergency.

Which was read a first time.

Mr. Turpie introduced

House Bill No. 286. An act concerning real property and the alienation thereof, and declaring an emergency.

Which was read a first time.

Mr. Hopkins moved to take House Bill No. 136 from the table.

Which motion prevailed, and on motion of Mr. Darnal, was recommitted to the Judiciary.

Mr. Davison introduced

House Bill No. 287. An act to amend section eighty-nine of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, and prescribing the powers and rights and the manner in which they shall exercise the same, and regulating such other matters as properly pertain thereto," approved March 4, 1867, and declaring an emergency.

Which was read a first time.

Leave of absence was granted to Mr. Favorite until next Monday at 2 o'clock p. m., on account of important business.

When, on motion of Mr. Caldwell, the House adjourned till 2 o'clock this afternoon.

## AFTERNOON SESSION.

The House met pursuant to adjournment.

On motion of Mr. Darnall the House came to order with Mr. Davis in the chair.

Mr. Leeper, from the Committee on Engrossed Bills, submitted the following report :

MR. SPEAKER :

The Committee on Engrossed Bills have examined Engrossed House Bill No. 224, and find it correctly engrossed.

Leave of absence was granted Mr. Charters until next Monday on account of sickness.

Leave of absence was granted Mr. Thompson of Henry, until next Tuesday morning on account of sickness.

Leave of absence was granted Mr. Nash until next Monday evening on account of sickness.

Leave of absence was granted Mr. Kennedy of Morgan, until Monday on account of sickness.

Mr. Glasgow moved to suspend the order of business for the purpose of hearing a report from the Committee on Organization of Courts of Justice.

Which motion prevailed.

Mr. Glasgow, from the Committee on Organization of Courts of Justice, submitted the following report :

MR. SPEAKER :

Your Committee on Organization of Courts, to whom was referred Senate Bill No. 25, "A bill to fix the time of holding court in the



Thirty-fourth Judicial Circuit," have had the same under consideration and instruct me to report the same back to this House with the recommendation that it pass.

Which report was concurred in.

Engrossed Senate Bill No. 25, "A bill fixing the time of holding courts in the Thirty-fourth Judicial Circuit," was read a third time and put on its passage.

The question being *shall the bill pass?*

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bearss, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Clark, Collins, Crane, Crumpacker, Dale, Davison, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Haynes, Heighway, Henderson, Hopkins, Horn, Jackson, Johnson of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, Morgan, McFadden, McMichael, Nash, Patterson, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Taylor of Daviess, Thomas, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr. Speaker—87.

No one voting in the negative.

So the bill passed.

Mr. Burson moved to suspend the order of business for the purpose of hearing a report from the Committee on Organization of Courts of Justice on House Bill No. 195, and that the bill be considered engrossed.

Which was adopted.

The Committee on the Organization of Courts reported back House Bill No. 195, with amendments.

Which report and amendments were concurred in.

Mr. Burson moved to suspend the rules and read House Bill No. 195 a third time as amended.

Which motion prevailed.

And the bill was read a third time and put upon its passage.

The question being, shall the rules be suspended?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bearss, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Clark, Collins, Crane, Crumpacker, Dale, Davison, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Haynes, Heighway, Henderson, Hopkins, Horn, Jackson, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr. Speaker—92.

No one voting in the negative.

So the rules were suspended.

The question now being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bearss, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davison, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Henderson, Hopkins, Horn, Jackson, Johnson of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Leeper, Martin of Franklin, Martin of Wells, Martin of Fountain, Marvin of Boone, Megenity, Miller of Parke, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr. Speaker—  
92.

No one voting in the negative.

So the bill passed.

Mr. McMichael moved to reconsider the vote on House Bill No. 69, taken yesterday.

Which motion prevailed.

Mr. Miller asked to be excused from voting.

No objection.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Bence, Brown of Jasper, Burson, Caldwell, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davis, Evans, Favorite, Fulk, Gilbert, Glasgow, Harper, Harris of

Madison, Harris of Wayne, Heighway, Henderson, Hopkins, Jackson, Johnson of Dearborn, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Leeper Lincoln, Martin of Franklin, McMichael, Pate, Pfafflin, Ratliff, Ragan, Reeder, Reno, Ribble, Roseberry, Shaffer, Shortridge, Shugart, Smith, Taylor of Daviess, Thomas, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Lawrence, Woody and Wynn—57.

*Those who voted in the negative were,*

Messrs. Barney, Bellows, Brown of Rush, Cantley, Davison, Edwards, Emerson, Forkner, Gossman, Havens, Horn, Keightly, Lanham, Law, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, Morgan, McCord, McFadden, Nash, Patterson, Pyeatt, Ramsey, Reddick, Romine, Shaw, Thompson of Marion, Williams of Brown and Mr. Speaker—32.

So the bill passed.

Mr. Heller moved to suspend the order of business in order to hear report from select Committee on Employees.

Which motion prevailed.

Mr. Heller, from the Special Joint Committee on Employees submitted the following report:

MR. SPEAKER :

The joint committee of the two Houses, to whom was referred the resolution in regard to the employes of the two Houses, would report that there is no need of additional help to the force in the House, but from the condition of the work in the Senate there is a necessity of the increase in the department of the Assistant Secretary. He is required to do the same work as the Assistant Clerk of the House, but is allowed two less Clerks, and we would recommed that provision be made to relieve the work in the Senate.

Which report was concurred in.

The regular order of business was resumed.

House Bill No. 257, introduced by Mr. Heller, was read a second time.

Which, on motion of Mr. Heller, was ordered to be engrossed.

House Bill No. 258, introduced by Mr. Heller, was read a second time.

Which, on motion of Mr. Heller, was referred to the Committee on Judiciary.

House Bill No. 259, introduced by Mr. Williams of Brown, was read a third time.

Which, on motion of Mr. Williams of Brown, was referred to the Committee on Rights and Privileges.

House Bill No. 260, introduced by Mr. Johnson of Carroll, was read a third time.

Which, on motion of Mr. Johnson of Carroll, was referred to the Committee on Corporations.

House Bill No. 261, introduced by Mr. Marvin of Fountain, was read a second time.

Which, on motion of Mr. Havens, was referred to the Committee on Judiciary.

Mr. Lincoln offered the following amendment:

Amend section first in line 61, by inserting after the word "voters" and before the word "of" the words "of each."

Which amendment was lost.

House Bill No. 262, introduced by Mr. Clark, was read a second time.

Which, on motion of Mr. Clark, was referred to the Committee on Judiciary.

House Bill No. 263, introduced by Mr. Forkner, was read a second time.

Which, on motion of Mr. Leeper, was referred to the Committee on Temperance.

House Bill No. 264, introduced by Mr. Forkner, was read a second time.

Which, on motion of Mr. Davis, was referred to the Committee on Judiciary.

House Bill No. 265, introduced by Mr. Turpie, was read a second time.

Which, on motion of Mr. Turpie, was referred to the Committee on Cities and Towns.

House Bill No. 266, introduced by Mr. Keightly, was read a second time.

Which on motion of Mr. Keightly, was referred to the Committee on Corporations.

House Bill No. 267, introduced by Mr. Nash, was read a second time.

Which, on motion of Mr. Davis, was laid on the table temporarily.

House Bill No. 268, introduced by Mr. Nash, was read a second time.

Which, on motion of Mr. Havens, was referred to the Committee on Insurance.

House Bill No. 269, introduced by Mr. Pyeatt, was read a second time.

Which, on motion of Mr. Pyeatt, was referred to the Committee on Cities and Towns.

House Bill No. 270, introduced by Mr. Collins, was read a second time.

Which, on motion of Mr. Collins, was referred to the Committee on Fees and Salaries.

House Bill No. 271, introduced by Mr. McMichael, was read a second time.

Which, on motion of Mr. McMichael, was referred to the Committee on Judiciary.

House Bill No. 272, introduced by Mr. McMichael, was read a second time.

Mr. McMichael moved to refer to the Committee on Judiciary.

Mr. Crumpacker moved to indefinitely postpone.

Which was lost.

Mr. McMichael's motion prevailed, and the bill was so referred.

Engrossed House Bill No. 224, introduced by Mr. Glasgow, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bearss, Bellows, Bence, Brown of Jasper, Brown of Rush, Bursen, Caldwell, Cantley, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davison, Davis, Edwards, Emerson, Evans, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, Morgan, McCord, McFadden,

McMichael, Nash, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr. Speaker—92.

No one voting in negative.

So the bill passed.

Engrossed House Bill No. 25, introduced by Mr. Forkner, was read a third time.

Which, on motion of Mr. Davis, was made the subject of consideration on next Wednesday, at 10 o'clock.

Engrossed House Bill No. 164, introduced by Mr. Forkner, was read a third time, and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bearss, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Clark, Crane, Dale, Davison, Davis, Emerson, Evans, Forkner, Fulk, Gilbert, Glasgow, Harper, Harris of Wayne, Havens, Haynes, Heighway, Heller, Hopkins, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Fountain, Miller of Parke, Montgomery, Morgan, McFadden, Nash, Pate, Pfafflin, Ramsey, Ratliff, Reeder, Roseberry, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Walz, Washburn, Williams of Lawrence, Woody, Wynn, and Mr. Speaker—62.

*Those who voted in the negative were,*

Messrs. Collins, Crumpacker, Darnall, Edwards, Harris of Madison, Henderson, Horn, Jackson, Lanham, Marvin of Boone, Megen-



ity, McCord, McMichael, Patterson, Pyeatt, Ragan, Reno, Ribble, Romine, Shaffer, Thomas, Thompson of Marion, Trusler, Twibill, Waterman, Willett, and Williams of Brown—27.

So the bill passed.

Leave of absence was granted Mr. Morgan of Hendricks, until Monday next.

Mr. Heller offered the following resolution :

*Resolved*, That the Speaker of the House appoint one additional member to the Committee on Prisons.

Which was adopted.

The Speaker laid before the House the following communication from the Governor :

MR. SPEAKER :

By direction of the Governor I have the honor to inform the House of Representatives that he has approved and signed Enrolled Act of the House No. 46, entitled "An act to authorize the United States of America to acquire title to land in the State of Indiana by condemnation, prescribing the manner in which said condemnation shall be made, and declaring an emergency."

Also, that he has approved and signed Enrolled Act of the House No. 232. An act to amend section sixty of an act entitled "An act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the Courts of Common Pleas, and transferring the business thereof to the Circuit Courts, and providing for the election of Judges and Prosecuting Attorneys in certain cases," approved March 6, 1873, and providing for the return of process, writs, subpoenas, venires, rules, orders of courts and recognizances, which may have been taken or issued previous to the commencement of said terms, as provided in this act, and declaring an emergency for the immediate taking effect of this act, and that he has caused the same to be deposited in the office of the Secretary of State.

SAMUEL R. DOWNEY,

Private Secretary.

Mr. Reddick was granted leave of absence until Monday next at 2 p. m.

Mr. Law was granted leave of absence until next Tuesday at 10 o'clock a. m., on account of sickness.

Mr. Havens moved to adjourn.

Which motion did not prevail.

Leave of absence was granted Mr. Williams of Brown, until next Monday morning.

The following communication was received from the Governor :

MR. SPEAKER :

By direction of the Governor, I have the honor to transmit herewith a communication from his Excellency, enclosing copies of resolutions received by him from the Governors of the States of Virginia and Missouri.

SAMUEL R. DOWNEY,

Private Secretary.

Which communication was referred to the Committee on Federal Relations.

The following communication was received from the Governor :

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, January 29, 1875.

*Gentlemen of the House of Representatives :*

I have received from the Governors of the States Virginia and Missouri copies of joint resolutions adopted by the Legislatures of those States, respectively, "In relation to the late conduct of United States officials," and "Concerning the recent occurrences in Louisiana." It is requested in each of the resolutions that they be com-

municated to the Legislature by the Governor receiving them. I, therefore, take pleasure in complying with that request and transmit herewith the copies so received by me.

THOMAS A. HENDRICKS,  
Governor.

OFFICE OF SECRETARY OF STATE,  
CITY OF JEFFERSON, MO.

I, Michale K. McGrath, Secretary of State, of the State of Missouri, do hereby certify that the annexed pages contain a true, complete and full copy of a joint and concurrent resolution of the General Assembly of the State of Missouri, entitled, "Joint and concurrent resolutions of the General Assembly of the State of Missouri, concerning the recent occurences in Louisiana," approved January 19, 1875, as appears by comparing the same with the original rolls of said resolution, now on file, as the law directs in this office.

*In Testimony Whereof*, I have hereunto set my hand and affixed my official seal. Done at my office, this 25th day of January, A. D. 1875.

MICHAEL K. McGRATH,  
Secretary of State.

[SEAL.]

JOINT AND CONCURRENT RESOLUTIONS OF THE GENERAL  
ASSEMBLY OF THE STATE OF MISSOURI, CONCERNING THE  
RECENT OCCURRENCES IN LOUISIANA.

*Be it Resolved by the House of Representatives, the Senate Concurring therein*, as follows:

First. That this General Assembly reaffirms the true republican doctrine, set forth in the original constitution of Virginia and Massachusetts: "That no free government, or the blessings of liberty can be preserved to any people, except by a frequent recurrence to fundamental principles."

Second. That one of those fundamental principles of free governments is that the Legislature of a State is the sole judge of the election

and qualification of its own members, and that the recent use of the federal troops to expell from the duly organized Legislature of Louisiana certain members thereof, on the pretext that they had been wrongfully admitted by that Legislature to their seats, is at once a violation of that principle, an outrage upon a helpless people, calculated to insult and bring into public odium the gallant army of the United States, intended for nobler purposes than that of upholding an effete local usurpation.

Third. That even if, as is alleged in palliation of the use of Federal troops in organizing a Legislature for Louisiana, there were irregularities in its first steps, neither the Governor of the State nor any Federal officer had any right whatever, to correct these irregularities or seat or unseat members of the Legislature at the point of the bayonet; and whatever evils might arise from such irregularities they would be insignificant in comparison with a recognition of the centralizing doctrine that a President of the United States *can* decide who is Governor of the State, and then lend the nation's troops to that Governor to enforce his decisions as to who are members of its Legislature.

Fourth. That another fundamental principal of free government is that the military is, and in all cases, and at all times ought to be, in strict subordination to the civil power; that the spectacle of the intervention by the President of the United States in local and State affairs, not in his capacity as a civil magistrate through the writs of the courts, but as a military commander in chief, through troops and vessels of war, in time of peace, has become so frequent of late as to excite the apprehensions of all lovers of constitutional liberty; and that it is the duty of Congress to enact without delay suitable laws to check the abuse of the military authority of the general Government.

Fifth. That while the recommendation of Lieutenant General Sheridan that a designated class of the people should be declared "bandttta" and tried by court martial in time of peace, is so absurd as to excite only the derision of every one in the least acquainted with the constitution and laws of the country, yet such reckless and incendiary language from an officer charged with a delicate mission is abhorrent to the feelings of every friend of humanity and lover of constitutional liberty and deserves and should receive a stern and prompt rebuke from his official superiors.

Sixth. That while we sincerely sympathise with the people of Louisiana in their unhappy condition, and are determined to make every legitimate effort to diminish their sufferings we urge upon them to do no rash act and to use only lawful and peaceable means to throw off the yoke of their bondage, looking hopefully forward to the time when through the sense of justice of the whole people of the Union, they may be reinstated in their rights of self government that by such true patent heroism they may do the whole country a great service in baffling the wicked schemes of all such as aim to worry and goad them into acts of violence which may be used as pretexts for extending a like military despotism over adjoining States and eventually over the whole Union.

Seventh. That our Senators in the Congress of the United States are hereby instructed, and our Representatives are requested, to urge upon that body to exercise all its powers under the Constitution, without delay, to secure to the people of Louisiana the blessings of peace and prosperity under a Republican form of government.

Eighth. That we appeal to the Legislatures of all our sister States, to take appropriate action in relation to the recent events in Louisiana, with a view to preserve and increase harmony between the different sections of our common country, and protect our common liberties against the stealthy approach of absolution, through the use of military power in civil affairs.

Ninth. That the Governor of the State is requested to transmit copies of these resolutions to the Executives of the other States of the Union, to be laid before their respective Legislatures.

Tenth. That a copy of these resolutions be sent to each of our Senators and Representatives in the Congress of the United States.

Approved January 19th, 1875.

#### JOINT RESOLUTION OF THE HOUSE OF DELEGATES OF VIRGINIA.

Joint resolution in relation to the conduct of United States officials in Louisiana.

Viewing the recent conduct of United States officials in the State

of Louisiana in taking possession of its State House and assuming to control the organization of its Legislature by the forcible expulsion of certain members who had been admitted to seats by that Body, as a gross and wanton usurpation of power, which can not safely be allowed to pass without disapproval and remonstrance, lest a precedent be established which would lead inevitably to the overthrow of our republican institutions ; therefore,

The General Assembly of Virginia in the name of the people of Virginia, records its solemn protest against such unwarranted and revolutionary proceedings by means of which a State of the Union has been deprived of the sacred right of self-government and of that control of its domestic affairs guaranteed by the Federal compact, which has been exercised without question by other States, and ever been held essential to the maintenance of peace and good government.

We have observed with profound admiration the patience and fortitude with which the people of Louisiana have borne themselves under circumstances well calculated to provoke excited action ; and inasmuch as the principle of popular representation, so grossly violated in their case, is one in whose defence the other States of the Union are equally interested, we cherish the hope that their wrongs will be redressed, and their rights amply vindicated by the freemen of the country without distinction of section or party.

*Resolved*, That a copy of this paper be transmitted to our Senators and Representatives in Congress and to the Governors of the States of the Union, with the request that they communicate the same to their Legislature.

A copy.

ATTEST :

J. BELL BIGGER,

Clerk of the House of Delegates and Keeper of the Rolls of Virginia.

January 15, 1875.

Which communications were referred to the Committee on Federal Relations.

Mr. Lanham moved to adjourn.

Which motion did not prevail.

Engrossed House Bill No. 216, introduced by Mr. Thompson of Henry, was read a third time and put on its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Brown of Jasper, Brown of Rush, Clark, Crane, Dale, Darnall, Davison, Edwards, Emerson, Fulk, Gossman, Harper, Harris of Madison, Heighway, Jackson, Law, Montgomery, Morgan, McCord, McFadden, McMichael, Pate, Pyeatt, Ramsey, Reno, Ribble, Shaw, Shortridge, Smith, Taylor of Daviess, Twibill, Walz, Waterman, Williams of Brown, Williams of Lawrence, Woody, and Wynn—41.

*Those who voted in the negative were,*

Messrs. Bellows, Caldwell, Cantley, Collins, Crumpacker, Davis, Evans, Forkner, Gilbert, Harris of Wayne, Haynes, Henderson, Hopkins, Horn, Keightly, Kennedy of Montgomery, Lanham, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Nash, Patterson, Pfafflin, Ratliff, Ragan, Reeder, Romine, Roseberry, Shaffer, Shugart, Snyder, Thomas, Thompson of Marion, Trusler, Washburn, Willett, and Mr. Speaker—41.

So the bill did not pass.

Engrossed House Bill No. 108, introduced by Mr. Charters, was read a third time.

Mr. Hopkins moved to indefinitely postpone.

Pending which motion the House adjourned until 10 o'clock to-morrow morning.

DAVID TURPIE,

Speaker.

## SATURDAY MORNING.

JANUARY 30, 1875, 10 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

The House was opened with prayer by Rev. O. S. Dean.

The Journal of yesterday's proceedings was read in part.

When, on motion of Mr. Edwards, the further reading thereof was dispensed with.

Mr. Crane was added to the Committee on State Prisons.

Mr. Martin of Wells moved a call of the House.

*Those who answered to their names were,*

Messrs. Ames, Anderson, Arnold, Barney, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Clark, Collins, Crumpacker, Dale, Darnall, Davison, Davis, Edwards, Emerson, Forkner, Fulk, Gilbert, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Henderson, Hopkins, Horn, Jackson, Johnston of Dearborn, Keightly, Kennedy of Montgomery, Lenham, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, McCord, McFadden, McMichael, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reeder, Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, and Mr. Speaker—76.

Mr. Marvin of Boone, moved to dispense with the further call of the House.

Which motion prevailed.



The following report was made from the Committee on Rights and Privileges :

MR. SPEAKER :

The Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred House Bill No. 85, have had the same under consideration, and do return said bill with the following proposed amendment :

Amend Section 1 by striking out the last clause allowing defendant to confess judgment to any amount, and after being so amended would recommend its passage.

Which report was concurred in.

House Bill No. 85, introduced by Mr. Clark, was reported back by the Committee on Rights and Privileges, with amendments, and the bill as amended, was ordered to be engrossed.

Mr. Forkner, from the Committee on the Judiciary, submitted the following minority report :

MR. SPEAKER :

The undersigned, members of the Committee on Judiciary, can not concur in the report of the majority of the Committee as to the constitutional power of this General Assembly to re-district the State for representative and senatorial purposes, and they therefore beg leave to submit the following :

#### MINORITY REPORT.

The two sections of the Constitution in question are as follows :

SEC. IV. "The General Assembly shall at its second session after the adoption of this constitution and every six years thereafter cause an enumeration to be made of all the white male inhabitants over the age of twenty-one years."

SEC. V. "The number of Senators and Representatives shall at the session next following each period of making such enumeration

be fixed by law and apportioned among the several counties according to the number of white male inhabitants above the age of twenty-one years in each, *Provided*, That the first and second election of members of the General Assembly under this Constitution shall be according to the apportionment last made by the General Assembly before the adoption of this Constitution. Are these sections mandatory, or are they merely directory? The solution of this question will determine as to the power of this General Assembly to re-district the State for representative and senatorial purposes at this time. Section five above quoted contains the strongest evidence within itself, that it was to be mandatory—to be a limitation on the power of the Legislature, the last apportionment under the old Constitution was approved February 11, 1851, the first election under the new Constitution was in October, 1852, and the second in October, 1854, and a new enumeration was to be made in 1854, here is a direct provision that the old apportionment of 1851, shall continue to 1854, the time for the new apportionment. Does not this show conclusively that the Constitutional Convention intended that but one apportionment should be made in each period of making the enumeration?

But aside from this internal evidence of the intention of the convention that there should be but one apportionment in each period of six years, there could be, in our judgment, no rational doubt that such was the understanding of the people when they adopted the constitution. But in addition to the above reasoning, this question has been definitely and conclusively settled by authority of the highest character in Patters Dwarrris, on statutes and constitutions, page 64, the following language is used: "To this extent only, it seems to have been necessary in this place to have examined the authority with which legislatures are invested in the enactment of Statutes, this being one of the special subjects of this work. We start then with this conceded proposition, that the people originally were possessed of all legislative power, this power they committed to their respective legislatures, in unlimited terms, except only as to such limitations as are imposed by the particular constitution of the State itself, and by the superior restriction of the constitution of the United States."

We can not better express this idea of the powers and restrictions of the law making power than in the language of Denio, late Chief Justice of the Court of Appeals of this State. He says: "The

people in framing their constitution, committed to the Legislature the whole law-making power of the State, which they did not expressly or impliedly withhold plenary power in the Legislature is the rule, a prohibition to exercise a particular power is an exception in inquiring therefore, whether a given statute is constitutional; it is for those who question its validity to show that it is forbidden, I do not mean that the power must be expressly inhibited, for there are but few positive restraints upon the Legislative power contained in the instrument. The first article lays down the ancient limitations which have always been considered essential in a constitutional government, whether monarchical or popular, and there are scattered through the instrument a few other provisions in restraints of legislative authority, but the affirmation prescriptions, and the general arrangements of the constitution are far more fruitful of restraints upon the Legislature, every positive direction contains an implication against everything contrary to it, or which would frustrate or disappoint the purpose of that provision."

Mr. Cooley, in his *Constitutional Limitations*, on page 78, uses the following language :

" But the courts tread on very dangerous grounds when they venture to apply the rules which distinguish directory and mandatory statutes, to the provisions of a constitution. Constitutions do not usually undertake to prescribe mere rules of proceedings, except when such rules are looked upon as essential to the thing to be done, and they must then be regarded in the light of limitations upon the power to be exercised. It is the province of an instrument of this solemn and permanent character, to establish those fundamental maxims and fix those unvarying rules by which all departments of the government must at all times shape their conduct, and if it descends to prescribing mere rules of order in unessential matters, it is lowering the proper dignity of such an instrument, and usurping the proper province of ordinary legislation ; we are not, therefore, to expect to find in a constitution, provisions which the people in adopting it, have not regarded as of high importance and worthy to be embraced in an instrument which, for a time at least, is to control alike the government and the governed, and to form a standard by which is to be measured the power which can be exercised by the delegates as by the sovereign people themselves.

" If directions are given respecting the times or modes of proceedings in which a power should be exercised, there is at least a

strong presumption that the people designed that it should be exercised in that time and mode only; and we impute to the people a want of due appreciation of the purpose and proper province of such an instrument, when we infer that such directions are given to any other end—especially when, as has been already said, it is but fair to presume that the people in their constitution have expressed themselves in careful and measured terms corresponding with the immense importance of the powers delegated, and with a view to leave as little as possible to implication.”

But we are not left alone to rely on general principles and general reasoning. The question before us has been decided pointedly by the Superior Court of Wisconsin, in a case bringing in review the power of the Legislature of that State to re-apportion the State under a constitution almost identical with our own. The section of their constitution is as follows:

“SEC. 3. The Legislature shall provide by law for an enumeration of the inhabitants of the State in the year of one thousand eight hundred and fifty-five *and at the end of every ten years thereafter*, and at their first session after such enumeration and also after each enumeration made by the authority of the United States the Legislature shall apportion and district anew the members of the Senate and Assembly, according to the number of inhabitants, excluding Indians not taxed, and soldiers and officers of the United States Army and Navy.” Stat. of Wisconsin for 1871, Vol. 1, page 103, paragraph 3. The Court in deciding upon the power of the Legislature to re-apportion the State under this section say: “The plaintiff’s claim the act to have been unconstitutional for two reasons. First—Because it would leave the two Assembly districts, which by the previous apportionment law were composed, one of the city of Racine, and the other of the towns of Racine, Caledonia and Mt. Pleasant, not bounded by county, town, precinct or ward lines, as required by Section 4, Article 4, of the Constitution. This objection assumes that it was incompetent for the Legislature to alter the Assembly districts until the time of the next apportionment, as prescribed by the Constitution, and this assumption is necessary to the validity of the objection; for, if the Assembly districts might be altered, and if by the annexation of the tracts in question to the city they thereby became a part of the city to all intents and purposes, then they would be a part of the Assembly district composed of the city, and cease to be a part of that composed of the towns, so

that both districts would still be bounded by town lines, those lines being different, however, from what they were when the districts were organized. The validity of this objection depends, therefore, on the question whether it is within the power of the Legislature by any means intermediate to apportionment laws, to transfer any part of the territory in one Assembly district to another. It has been held in Massachusetts and New York under their Constitutions that this could not be done. 6 Cush. 575, 578; 2 Gray 84; 30 Barb. 349. But the Constitution of New York, after providing for an enumeration of the people, and an apportionment of representatives at stated periods, expressly provides that 'the apportionment and districts so to be made shall remain unaltered until an another enumeration shall be taken, etc.' The decision there was based upon this provision. The Constitution of Massachusetts provides for an enumeration once in ten years, and determines the number of representatives to which any town or district is entitled by the number of "ratable polls," and having provided for the ascertainment of this number once in ten years, declares that it 'shall remain unalterable for the period of ten years.' Their decisions were based upon the limitations derived from these provisions.

"But in our Constitution there is no expressed prohibition against an alteration of Assembly districts, and whatever limitation exists upon the power of the Legislature in that respect, is to be derived from the general scope and objects of the provisions of the Constitution concerning the apportionment of Senators and Representatives. But it may well be said that these furnish such a limitation, and that when the instrument provides for an apportionment and organization of districts once in five years, this implies that it shall not be done at any other time. This would seem clear with respect to a general apportionment, and perhaps the same implication would extend to any partial re-organization of Assembly or Senate districts, by any law passed directly for that purpose. Whether it would or not, we shall not now decide, but shall assume for the purposes of this case that it would.

This was the language of Judge Paine, in the case of *Shauson, et al., vs. The City of Racine*, — 13 Wisconsin Reports, 398 and pp. 400 and 401; *Lanington vs. Carpenter*, 20 New York, 452; *Lanington vs. Carpenter*, 23 Barb., 404; *Rumery vs. The People*, 19 New York, 54., while not strictly in point, may be considered in connection with this subject. In the case of *Green Castle Township*

*vs. Black*, 5 Indiana Reports, pp. 566-7, the following language on the subject of constitutional construction is used: "If there be any form of words which should be held sacred, it is the plain language of the fundamental law. It is the rule and commission by which both legislators and judges are to proceed." And again, on page 570, it is said: "Written constitutions will soon become of little value if their injunctions may be lightly overlooked; and the experiment of setting a boundary to power will prove a failure." And again, it is said, on the same page: "If the courts venture to substitute for the clear language of the instrument, their own notions of what it should have been or was intended to be, there will be an end of written constitutions."

We contend, further, that the Legislature, having acted once on this subject in a constitutional manner, at the time directed in the Constitution, it has thereby exhausted its power to act in the subject matter, and among the many authorities establishing this principle we cite the following from the case of *Leib vs. The Commonwealth*, 9 Watt's R.. 226: "If, then, the Legislature at its first session under the amended Constitution, and in accordance with its provisions, passed an act classifying the Associate Judges, it seems to us that the power vested in the Legislature on the subject was exhausted and could not, constitutionally, be exercised or interfered with by a succeeding Legislature. It is not an ordinary act of legislation, in which one Legislature has no power to bind its successors.

Whilst we are driven to the conclusion to which we have arrived by the force of the foregoing reasons, authorities and adjudications, we are the more impelled thereto by considerations of public policy and the best interests of our commonwealth, which we believe to have been held in view by the framers of our organic law. The apportionment of the State is always attended with more or less bitter political contests, and always consumes a large portion of the time of the session which is charged with making such apportionment to the neglect of all other useful legislation. And whilst it is a fact to be regretted, it is nevertheless true, that since the day of *Gerry*, States are generally districted with a view to the perpetuation of the power of the party dominant at the time such districting and apportionment are made. We believe that the framers of the Constitution intended by fixing a definite time at which it should be done to place a direct limitation upon the power of the Legisla-

ture as to the time at which such apportionment is to be made. If such is not the case why specify any time at which it is to be done?

In the examination of this question we have endeavored to divest ourselves of all political feelings and influences, and to arrive at such conclusions only as would be warranted by reason and authority, keeping in view the far reaching effects and the importance of the decision of this House, not only in the present, but upon the future legislation of the State upon the subject.

P. S. KENNEDY,

M. E. FORKNER,

E. B. GLASGOW,

Of the Committee on Judiciary.

Mr. Davis, from the Committee on Judiciary, submitted the following majority report :

MR. SPEAKER :

I am directed by a majority of the Committee on Judiciary, to whom was referred a resolution directing such committee to inquire and report whether this General Assembly possesses the constitutional power to amend an act entitled "An act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State, and declaring an emergency," which took effect December 27, 1872.

Your committee have given the subject very careful and mature consideration. Sections 4 and 5 of Article 3 of our State Constitution are as follows :

SEC. 4. The General Arsembly shall at its second session after the adoption of this Constitution, and every six years thereafter, cause an enumeration to be made of all the white male inhabitants over twenty-one years. SECTION 5. The number of Senators and Representatives shall at the session next following such enumeration, be fixed by law, and apportioned among the several counties according to the number of white male inhabitants above twenty-one years of age ; *Provided*, That the first and second elections of members of the General Assembly under this Constitution shall be according to the apportionment last made by the General Assembly

before the adoption of this Constitution. By the fourth section it is provided that after the first enumeration therein provided for, there shall be one made every six years thereafter.

By the 5th section it is provided that "the number of Senators and Representatives shall at the session next following each period of making such enumeration be fixed by law and apportioned among the several counties according to the number of white male inhabitants above twenty-one years of age in each.

It is quite obvious by the above-quoted sections of our Constitution, that the duty is imposed upon the General Assembly to cause to be made the enumeration and to make the apportionment at the times therein designated; but the real question which we have to decide is whether the apportionment may not be made at a time different from the one presented. The making of an apportionment is ordinary legislation and unless the legislation is prohibited by our State Constitution or, by the Constitution of the United States, it may be done at any time. The rule is that the people, in framing the Constitution, committed to the Legislature the whole law-making power of the State, which they did not expressly or impliedly withhold plenary power in the legislation for all purposes of civil government is the rule; a prohibition to exercise a particular power is an exception. It is not pretended that there is any prohibition in the Federal Constitution. We think it is just as manifest that there is none in our State Constitution. This doctrine is fully established by authority in "The People vs. Board, etc., 27, Barb., 593," it was said.

The power of the Legislature is not derived from or conferred by the Constitution of the State, that instrument does indeed organize a Legislature, and transfer to them the power of legislation of the people of the State, but it does not create the power, but only the instrument for its exercise. The power is the sovereign power of the people, and in a political and judicial sense, it is omnipotent and irresponsible except where it is expressly restrained by the organic instrument. The Constitution is to be resorted to, therefore, not to see what powers are conferred upon the Legislature, but what are withheld, not how they are authorized to act, but in what respect they are restrained or forbidden to exercise power. There is a wide distinction between such an instrument and a grant of limited powers like the Constitution of the United States."



In the *People vs. N. Y. Central Railroad Co.*, 24 N. Y. 497, it was held "a restriction upon the Legislature, in respect of a matter which is properly the subject of legislation will not be implied, but must be clearly expressed."

In *Commonwealth vs. Hartman*, 17 Penn., 119, and in *Weister vs. Heade*, 52 Penn., 477, it was said, "The rule of interpretation for the State Constitution differs totally from that which is applicable to the Constitution of the United States; the later instrument must have a strict construction, the former a liberal one. Congress can pass no laws but those which the Constitution authorizes, either expressly or by clear implication; while the Assembly has jurisdiction of all subjects on which its legislation is not prohibited. The powers not granted to the Government of the Union are withheld; but the State retains every attribute of sovereignty which is not taken away." In *Kirby vs. Shaw*, 19 Penn., 260, it was held, that "It is a postulate of a State Constitution which distinguishes it from the Federal, that all the power of the people is delegated by it, except such parts of it as are specifically reserved."

We think the true meaning of our Constitution is that an enumeration and apportionment shall be made at least once in every six years, but this does not deprive the Legislature of the power to make them oftener, if it shall deem it necessary and proper to do so. It is an indispensable and fundamental principle which underlies every system of government, that each independent and sovereign State possesses the power to perpetuate and preserve its own existence, and that the presumption is never to be indulged, in the absence of plain and express words to that effect, that the framers of the Constitution intended to impose any condition or limitation upon the Legislature which would destroy the government or deprive it of the power of preserving and perpetuating its own existence.

If it be true that an enumeration and apportionment can not be made at any other time than the one named and fixed in the Constitution, then it is within the power of a minority of the Legislature, or of one branch thereof, to destroy the legislative department of the government; suppose that by resignation or other revolutionary measures, a minority of either branch of the Legislature should prevent the passage of an act making an enumeration at the time fixed in the Constitution, could it be successfully maintained that such a law could not be passed at any other time? If so, the gov-

ernment is at the mercy of a few men and possesses no means of preserving its own existence. It is well known that since the adoption of our present Constitution, the Legislature failed to make the enumeration and apportionment at the time prescribed in the Constitution, and that Governor Wright issued his proclamation directing the election of Senators and Representatives according to the old apportionment which had expired, and that the Legislature so elected passed a law making an enumeration and apportionment.

Section — of Article 3 of the Constitution of 1816, provided that when a Constitutional convention might be called to amend it, and it is well known that the convention which framed our present Constitution was called at a time, and in a manner different from the one fixed in the old Constituion. These instances afford conclusive evidence that a provision in a Constitution which fixes a time when a thing shall be done does not deprive the Legislature of the power of doing such thing at a different time. The power to make laws carries with it by necessary implication the power to repeal or amend existing laws. If the position contended for by the minority of the committee be correct, then the General Assembly possesses the power to pass an irrepealable law. If this be true, then one session of the Legislature can tie the hands of future Legislatures for all time to come. Such a doctrine is repugnant to every principle of republican government, and should receive no support or encouragement anywhere. It stands in the way of progress and improvement. It destroys our theory and system of government. It is subversive of all good government. Judge Cooley in his great work on Constitutional Limitations, says: "Similar reasons to those which forbid the legislative department of the State from delegating its authority will also forbid its passing any irrepealable law. The Constitution in conferring the legislative authority, has prescribed to its exercise any limitations which the people saw fit to impose; and no other power than the people can superadd other limitations. To say that the Legislature may pass irrepealable laws is to say that it may alter the very Constitution from which it derives its authority; since in so far as one Legislature could bind a subsequent one by its enactments, it could, in the same degree, reduce the legislative power of its successors, and the process might be repeated until one by one the subjects of legislation would be excluded altogether from their control, and the Constitutional provision, that the legislative power shall be vested in two Houses, would be to a greater or less degree, rendered ineffectual."

The same learned author, in a note to the above quoted paragraph in the last edition, says "unlike the decision of a court, a legislative act does not bind a subsequent legislature. Each body possesses the same power and has the right to exercise the same discretion. Measures, though often rejected, may receive legislative sanction. There is no mode by which a legislative act can be made irrevocable except it assumes the form and substance of a contract. If in any line of legislation a permanent character could be given to acts, the most injurious consequences would result to the country. Its policy would become fixed and unchangeable on great national interests, which might retard, if not destroy, the public prosperity. Every legislative body, unless restricted by the Constitution, may modify or abolish the acts of its predecessors. Whether it would be wise to do so, is a matter for legislative discretion."

We entertain no doubt that the present session of the Legislature possesses full and plenary power to repeal or amend the act in question.

We therefore report the accompanying resolution and recommend its passage.

*Resolved*, By the House of Representatives, that the Speaker of this House appoint a committee consisting of one member of the House from each Congressional District, whose duty it shall be to immediately prepare and report a bill amending sections 2 and 3 of the present law apportioning the Senators and Representatives of the General Assembly of the State of Indiana, basing the same upon the number of white male persons over the age of twenty-one years, as shown by the last enumeration made for that purpose.

The question being on the adoption of the resolution.

Mr. Kennedy of Marion, and Mr. Forkner demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Arnold, Barney, Bence, Brown of Rush, Burson, Collins, Davis, Edwards, Gilbert, Gossman, Harris of Madison, Havens,

Haynes, Hopkins, Horn, Johnston of Dearborn, Keightly, Kennedy of Marion, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, Pate, Patterson, Pyeatt, Ramsey, Reno, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn Waterman, Willett, Williams of Brown and Mr. Speaker—42.

*Those who voted in the negative were,*

Messrs. Ames, Anderson, Bearss, Brown of Jasper, Caldwell, Clark, Crumpacker, Dale, Darnall, Davison, Emerson, Forkner, Fulk, Harper, Harris of Wayne, Highway, Jackson, Kennedy of Montgomery, Lanham, Lincoln, McFadden, McMichael, Pfafflin, Ragan, Reeder, Ribble, Shortridge, Shugart, Smith, Thomas, Trusler, Twibill, Williams of Lawrence and Woody—35.

So the resolution was adopted.

The following message was received from the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed Engrossed Senate Bill No. 115, entitled "An act to provide for the sale of property held in trust, in certain cases therein provided."

And the same is herewith transmitted to the House for its action thereon.

The following message was received from the Senate:

MR. SPEAKER:

By direction of the Senate, I herewith transmit to the House of Representatives for the signature of the Speaker thereof, Enrolled Senate Act No. 22, being "An act fixing the times of holding Circuit Courts in the several counties of the Thirtieth Judicial Circuit of the State of Indiana, and declaring an emergency."

Also, Enrolled Senate Act No. 68, being "An act amendatory and supplemental to an act entitled 'An act providing for voluntary

assignments of personal and real property, in trust for the benefit of creditors, and regulating the mode of administering the same, approved March 5, 1859, and declaring an emergency.'”

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following concurrent resolutions of the House, to wit:

CONCURRENT RESOLUTION CONCERNING STATE HOUSE PLANS.

WHEREAS, The Joint Committee appointed at the last session of the General Assembly to procure plans for a new State House, have reported their action to the present session; and

WHEREAS, Such report has been referred to the consideration of the Joint Committee of the present session on Public Buildings; therefore,

*Resolved by the House of Representatives, the Senate concurring,* That the said Committee on State House Plans, be authorized and directed to transfer to the possession of said Committee on Public Buildings the rooms, furniture, plans, books and papers pertaining to the proposed State House; that the said committee to procure plans be discharged from the further consideration of this subject.

2. *Resolved,* That the said Committee on Public Buildings be authorized and directed to take charge of said rooms and plans, safely and properly to put away those not selected, until they shall be returned to their owners, and to prepare said rooms and plans, under the charge of their secretary, for the proper display and examination by the members of the General Assembly, and that they instruct such secretary *not* to exhibit such plans to any person but members of the General Assembly and officers of the State government until further directed, with the following amendments thereto to wit:

1. Amend by inserting the words "so selected" after the word "plan" in line 11 of 2d resolution.

Also, further amend by inserting after the words "members of the General Assembly" the words "and the architects of the four plans selected."

And the same is herewith returned to the House.

Leave of absence was granted Mr. Miller of Parke, until next Wednesday, on account of sickness.

Mr. Kennedy of Marion, offered the following resolution :

*Resolved*, That the Sentinel and Journal each be authorized to publish in their daily issues the majority and minority reports of the Judiciary Committee upon the report on the House Apportionment Bill, and that each furnish 200 copies of the papers to the Senate and House.

Which was, on motion of Mr. Forkner, laid on the table.

Mr. McMichael offered the following resolution :

*Resolved*, That the Indianapolis Sentinel and Journal be requested to publish the majority and minority reports of the committee, for the information of the General Assembly and people of Indiana.

Which resolution was not adopted.

Mr. Havens offered the following resolution :

*Resolved*, That the Doorkeeper be instructed to have the reports of the majority and minority from the Committee on Judiciary printed, at a cost not to exceed seventy-five dollars, and laid upon the desks of the members,

Which resolution was not adopted.

Mr. Darnall moved that one hundred copies of the majority and minority report of the Judiciary Committee on the apportionment of the State be printed.

During the discussion Mr. Caldwell was called temporarily to the Chair.

Mr. Arnold moved to adjourn until 2 o'clock this afternoon.

When Mr. Woody offered as an amendment that "the House do adjourn until Monday morning."

Mr. Havens and Mr. Williams of Brown, demanded the ayes and noes.

The question being, on the motion of Mr. Arnold as amended by Mr. Woody to adjourn till Monday morning.

*Those who voted in the affirmative were,*

Messrs. Bearss, Bence, Clark, Edwards, Gilbert, Horn, Kennedy of Montgomery, McCord, Patterson and Woody—10.

*Those who voted in the negative were,*

Messrs. Anderson, Arnold, Barney, Brown of Jasper, Brown of Rush, Caldwell, Collins, Crumpacker, Dale, Darnall, Davison, Davis, Emerson, Forkner, Fulk, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Highway, Henderson, Hopkins, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Lanham, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Montgomery, McMichael, Pate, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reeder, Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence and Mr. Speaker—66.

So the House did not adjourn.

Leave of absence was granted Mr. Clark until Monday next, at ten o'clock a. m.

Mr. Havens moved to adjourn until two o'clock this afternoon.

Mr. Martin of Wells, moved to amend by adjourning until Monday next, at ten o'clock a. m.

When Messrs. Havens and Darnall demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Edwards, Gilbert, Harris of Madison, Henderson, Horn, Martin of Wells, McCord, Patterson, Shaw and Woody—21.

*Those who voted in the negative were,*

Messrs. Anderson, Barney, Bence, Brown of Jasper, Brown of Rush, Collins, Crumpacker, Dale, Darnall, Davison, Davis, Emerson, Forkner, Fulk, Gossman, Harper, Harris of Wayne, Havens, Haynes, Heighway, Hopkins, Jackson, Johnson of Carroll, Keightly, Kennedy of Marion, Lanham, Martin of Franklin, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McMichael, Pate, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reeder, Reno, Ribble, Romine, Roseberry, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Williams of Brown, Williams of Lawrence, and Mr. Speaker—57.

So the House refused to adjourn.

Leave of absence was granted Mr. Edwards until Monday next.

Mr. Megenity, from the Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER:

The Committee on Enrolled Bills would respectfully report that they have this day presented to the Governor, for his approval and signature, Enrolled Senate Bill No. 22, "An act fixing the time of holding Circuit Courts, and the length of terms thereof, in the several counties of the Thirtieth Judicial Circuit of the State of Indiana, and declaring an emergency," and Senate Bill No. 68, "An act amendatory of and supplemental to an act entitled, 'An act provid-



ing for voluntary assignments of personal and real property in trust for the benefit of creditors, and regulating the mode of administering the same, approved March 5th, 1859,' and declaring an emergency."

Which report was concurred in.

Mr. Kennedy of Montgomery, offered the following resolution:

*Resolved*, That it is the sense of this House that the present General Assembly should make provision for the erection of an additional Asylum for the Insane, and that the same should be located on the grounds of the present Asylum near the city of Indianapolis, as recommended by the Governor in his Message.

Pending which,

On motion of Mr. Havens, the House adjourned until two o'clock this afternoon.

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#### AFTERNOON SESSION.

The House met pursuant to adjournment, the Speaker in the chair.

The first thing in order being the consideration of the resolution offered by Mr. Kennedy of Montgomery, pending which the House adjourned this morning, the same was taken up and the resolution was adopted.

Mr. Woody moved to recommit House Bill No. 108 to the Committee on County and Township Business, with instructions to make the following amendments, to wit:

Amend by striking out twenty thousand dollars and inserting one-fourth of one per cent. in lieu thereof.

Mr. Marvin of Boone, offered the following amendment to the amendment:

Amend by striking out the words "legal voters," in section one, and insert "Township Trustees." Strike out "votes" in section three, and insert "Township Trustee."

Which amendment to the amendment was not adopted.

The question being upon the amendment offered by Mr. Woody, the same was adopted.

Engrossed House Bill No. 108, introduced by Mr. Charters, was taken from the Speaker's table and recommitted to the Committee on County and Township Business, with instruction to adopt the amendment, "by erasing twenty thousand dollars" and inserting in lieu thereof "one fourth of one per cent."

Mr. Martin of Wells, from the Committee on Judiciary, submitted the following report:

MR. SPEAKER:

I am directed by the majority of the Committee on Judiciary to report back House Bill No. 106, introduced by Mr. Havens, providing for the amendment of a certain section of an act providing for the settlement of decedents' estates, with the following amendments, to wit:

Strike out all of Section 1 after the enacting clause, and insert the following, to wit:

That section four of an act supplemental to "An act to amend the 65th and 56th sections of an act providing for the settlement of decedents estate, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved February 20, 1855, be, and the same is hereby, amended to read as follows, to-wit:

SECTION 5. That after this act shall have taken effect, unless every claim against the estate of any decedent shall have the affi-

davit of the claimant thereto attached, which affidavit may be sworn to before and certified by the executor of such estate, stating in such affidavit the nature of such claim in detail, the set offs or credits due such estate from the claimant in detail, the balance due such claimant after deducting such set offs or credits, and that said balance is justly due to said claimant from such estate and is unpaid, and unless the claimant shall recover the full amount of such claim so sworn to, no costs shall be recovered by such claimant in any suit for the recovery of such claim against such estate, or the executor or administrator thereof.

And when thus amended your Committee do recommend the passage of said bill.

Which report was concurred in.

Mr. Martin of Wells, from the Committee on Judiciary, submitted the following report:

MR. SPEAKER:

On behalf of the majority of the House Committee on Judiciary, I am directed to report back House Bill No. 165, introduced by Mr. Forkner of Henry, providing for the amendment of sections thirty, thirty-one and thirty-five of an act incorporating towns, approved June 11, 1852, with the following amendment, to-wit: In the third and last sections, and at the end thereof, add the following words, to-wit:

“ Provided that in all suits brought as contemplated in this section, by any town, against any person returned by the Marshal of said town to the Treasurer as owing any tax that the tax list provided for in section thirty-three of this act, to be made by the Trustees of said town, together with the return of said Marshal that said defendant has not paid his tax or any part thereof, as provided for in this section, shall be *prima facie* evidence of the amount of such taxes due and unpaid and of the fact that the Marshal has discharged the duties required of him in this section; and any such defendant may, in any such suit, plead and prove any legal set off he may have against said amount of taxes therein sued for.”

And with this amendment we recommend that the bill do pass.

Which report was concurred in.

And the bill ordered to be engrossed.

Mr. Martin of Wells, from the Committee on Judiciary, submitted the following report :

MR SPEAKER :

The majority of the Committee on the Judiciary direct me to report back House Bill No. 54, introduced by Mr. Barney, providing for the amendment of Section 315 of the Practice Act, with the recommendation that it do lie upon the table, for the reason that the practice under that section having stood for more than twenty years, it is deemed inexpedient to alter the same.

Which report was concurred in.

And the bill ordered to lie on the table.

Which was so ordered.

Leave of absence was granted to Mr. Taylor of Daviess, until next Tuesday, on account of sickness.

The following report was made from the Committee on Judiciary :

MR. SPEAKER :

The majority of the Committee on Judiciary direct me to report back House Bill No. 117, introduced by Mr. Waterman of DeKalb, providing for the accounting by public officers for interest received by them for public funds loaned individually, with the recommendation that the same do lie upon the table, for the reason, among others, that though the intention is good, yet it apparently recognized the right of public officers to use public funds upon their accounting for interest thereon.

Which report was concurred in and the bill ordered to lie on the table.

Mr. Martin of Wells, from the Committee on Judiciary, submitted the following report :

MR. SPEAKER :

The majority of the Committee on Judiciary direct me to report back House Bill No. 130, introduced by Mr. Cantley, providing for the exemption of personal property from execution in favor of married women, with the recommendation that the same lie on the table, for the following, among other reasons, to wit : There are few if any cases in which personal judgment can be rendered against a married woman so as to subject her personal property to execution, consequently this bill is unnecessary.

Which report was concurred in, and the bill ordered to lie on the table.

The following report was made from the Committee on the Organization of Courts :

MR. SPEAKER :

Your Committee on the Organization of Courts of Justice, to whom was referred House Bill No. 195, have had the same under consideration, and have directed me to report said bill back to the House, with the following amendments :

Strike out section one, and insert in lieu thereof the following :

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the terms of Court in the Nineteenth Judicial Circuit shall be held in the county of Hendricks, on the first Monday in January, second Monday in March, first Monday in June, fourth Monday in September, and shall hold four weeks at each term, if the business requires it.

Strike out section two, and insert in lieu thereof the following :

SEC. 2. In the county of Marion, said terms shall be held on the first Monday in December, second Monday in February, first Monday in May, fourth Monday in August, and shall hold until the ensuing term term in Hendricks county, when the business requires it.

Strike out section three, and insert in lieu thereof the following:

SEC. 3. It is hereby declared that an emergency exists for the taking effect of this act, and it shall take effect on the first Monday in June, 1875.

Which amendments were adopted.

House Bill No. 195, introduced by Mr. Morgan, was reported back by the Committee on the Organization of Courts of Justice, with amendments.

Which amendments were adopted and the bill put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bearss, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davison, Davis, Edwards, Emerson, Evans, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr. Speaker—92.

No one voting in the negative.

So the bill passed.

The following report was made from the Committee on Judiciary.

MR. SPEAKER :

The majority of the Committee on the Judiciary direct me to report back House Bill No. 170, introduced by Mr. Kennedy of Marion, providing for the amendment of Sections 15 and 16 of the Bastardy Act, with the following amendments, to-wit: On page 1, line 5, immediately preceding the word "be," prefix the words "Section 1." In line 4, page 1, strike out the figures "1872," and insert "1852." Strike out the last word in line 7, and the first word in line 8, to-wit: "And sixteen;" also the word "sections" in line 7 and insert "section." Also, on page 2, immediately preceding the first word, "when," of line 11, insert "for a longer period than one year." On page 3, in lines 1 and 2, strike out the phrase "from and after the passage of this act," and insert in lieu thereof, "at the expiration of one year from the time when such prisoner was committed to jail: *Provided*, That in no case shall imprisonment be cause of the failure of the defendant to pay or replevy said judgments, discharge or satisfy any part of such judgment." That immediately after the end of line 2, on page 3, there be inserted these words, to-wit: "Section 2. And be it further enacted, that Section 16 of said above entitled act be, and the same hereby is amended to read as follows, to-wit:" Also, strike out after the word "laws," in line 8, page 3, all the rest of said bill. And when thus amended, its passage is recommended,

Which report was concurred in.

And the bill ordered engrossed.

Mr. Hopkins moved to suspend the order of business and take up the message from the Senate with concurrent resolution and amendments in reference to State House plans.

Which motion prevailed and the amendments were concurred in.

Leave of absence was granted to the Joint Committee on Public Buildings during this afternoon.

Mr. Forkner, from the Committee on Judiciary, submitted the following report :

MR. SPEAKER :

The Committee on Judiciary, to whom was referred House Bill No. 48, have had the same under consideration, and have directed me to report the same back to the House with the recommendation that it pass.

Which report was concurred in.

House Bill No. 148, introduced by Mr. Twibill, was reported back by the Committee on Judiciary with the recommendation that it do pass.

The bill was ordered to its engrossment.

The following report was made from the Committee on Judiciary:

MR. SPEAKER :

The Committee on Judiciary, to whom was referred House Bill No. 147, have had the same under consideration and have directed me to report said bill back to the House with the recommendation that it lie on the table.

Which report was concurred in and the bill ordered to lie on the table.

The following report was made from the Committee on Judiciary:

MR. SPEAKER :

The Committee on Judiciary, to whom was referred House Bill No. 32, have had the same under consideration and have directed me to report said bill back with the recommendation that the same lie upon the table.

Which report was concurred in and the bill ordered to lie on the table.



Mr. Davison, from the Committee on Fees and Salaries, submitted the following report :

MR. SPEAKER :

The Committee on Fees and Salaries, to whom was referred House Bill No. 2, entitled, "An act fixing the per diem and mileage of members of the General Assembly, and providing that they shall furnish their own stationery, have had the same under consideration and the majority of said Committee have instructed me to report the same back to the House with the recommendation that it lie on the table, and that a substitute therefor, herewith presented, be reported with the recommendation that it do pass.

Which report was concurred in, and the bill ordered to lie on the table.

The following bill was reported to the House as a substitute for House Bill No. 2.

House Bill No. 288. An act to amend sections one and two of an act entitled "An act fixing the per diem and mileage of members of the General Assembly, and providing that they shall furnish their own stationery," approved December 19, 1872, and declaring an emergency.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section one of the above entitled act be and the same is hereby amended to read as follows, to wit :

That the pay of members of the General Assembly of the State of Indiana shall be six dollars per day while in actual attendance or absent by leave, or on business of the General Assembly, or unable to attend from sickness, and five dollars for every twenty-five miles they may travel from their usual place of residence to the seat of government and back, by the most usual traveled route.

SEC. 2. It is further enacted that section two of said act be and the same is hereby amended to read as follows, to wit: The members of the General Assembly shall receive no pay other than that provided for in the preceding section of this act, and that they shall provide their own stationery without cost to the State.

SEC. 3. WHEREAS, An emergency exists for the immediate taking effect of this act, the same shall take effect and be in force from and after its passage.

Which was read a first time.

Mr. Thompson of Marion, from the Committee on Rights and Privileges, submitted the following report :

MR. SPEAKER :

Your Committee on Rights and Privileges, to whom was referred House Bill No. 212, report the same back to the House with the recommendation that said bill pass.

Which report was concurred in and the bill ordered to be engrossed.

Mr. Thompson of Marion, from the Committee on Rights and Privileges, submitted the following report :

MR. SPEAKER :

Your Committee on Rights and Privileges, to whom was referred House Bill No. 120, report the same back to the House with the recommendation that said bill be laid on the table.

Which report was concurred in and the bill ordered to lie on the table.

The following report was made from the Committee on Rights and Privileges :

MR. SPEAKER :

Your Committee on Rights and Privileges, to whom was referred House Bill No. 242, report said bill back to the House with the recommendation that said bill be laid on the table.

Which report was concurred in and the bill ordered to lie on the table.

The following report was made from the Committee on Rights and Privileges :

MR. SPEAKER :

Your Committee on Rights and Privileges, to whom was referred House Bill No. 151, report said bill back to the House with the recommendation that said bill be laid on the table.

Which report was concurred in.

Mr. Thomas, from the Committee on Rights and Privileges, submitted the following report :

MR. SPEAKER :

Your Committee on Rights and Privileges, to whom was referred House Bill No. 156, report said bill back to the House with the following amendment :

That the word "women," wherever it occurs in said bill be stricken out and the words "female person" inserted in lieu thereof.

Which report and amendment were concurred in, the bill read a third time and put upon its passage.

The question being, shall the bill as amended, pass ?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bearss, Bence, Brown of Jasper, Brown of Rush, Caldwell, Collins, Crumpacker, Dale, Darnall, Davison, Davis, Emerson, Forkner, Fulk, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Henderson, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, McFadden, McMichael, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reeder, Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Smith,

Snyder, Thomas, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody and Mr. Speaker—74.

No one voting in the negative.

So the bill passed.

Mr. McCord, from the Committee on Rights and Privileges, submitted the following report:

MR. SPEAKER:

Your Committee on Rights and Privileges, to whom was referred House Bill No. 127, report said bill back to the House, and ask that said bill be referred to the Committee on Fees and Salaries.

Which report was concurred in, and the bill so referred.

The following report was made from the Committee on Rights and privileges, to whom was referred House Bill No. 249, report said bill back to the House with the recommendation that it be laid on the table.

Which report was concurred in, and the bill ordered to lie on the table.

Mr. Woody, from the Committee on Rights and Privileges, submitted the following report:

MR. SPEAKER:

Your Committee on Rights and Privileges, to whom was referred House Bill No. 149, report the same back to the House with the recommendation that said bill be laid on the table.

Which report was not concurred in.

Leave of absence was granted Mr. Shaw, on account of sickness, until next Tuesday at 2 o'clock p. m.

The following report was made from the Committee on Agriculture :

MR. SPEAKER :

The Committee on Agriculture, to whom was referred House Bill No. 72, introduced by Mr. Crumpacker, entitled "An act to compel railroads to fence their right of way, and providing penalties for the violation thereof," have had the same under consideration, and return it with the request that it be recommitted to the Committee on Railroads.

Which report was concurred in and the bill so committed.

Mr. Ragan, from the Committee on Agriculture, submitted the following report :

MR. SPEAKER :

The Committee on Agriculture, to whom was referred House Bill No. 245, introduced by Mr. Walz, entitled "An act to amend section two of an act authorizing county agricultural societies to hold real estate," has had the same under consideration and return it with the recommendation that it be amended by inserting the words "agricultural and" before the word mechanical in the second line of section one, and that when so amended it do pass.

Which report and amendment was concurred in and the bill ordered to be engrossed.

Mr. Lanham, from the Committee on Engrossed Bills, submitted the following report :

MR. SPEAKER :

The Committee on Engrossed Bills have compared Engrossed House Bills Nos. 153, 196, 66 and 207 with the original copies and find the same in all respects correctly engrossed.

Which report was concurred in.

Mr. Darnall was called to the chair.

Mr. Johnson introduced

House Bill 287. An act providing for the erection of two additional Hospitals for the Insane.

Which was read a first time.

Mr. Williams of Brown, submitted a petition on the subject of the reduction of fees and salaries.

Which was referred to the Committee on Fees and Salaries.

Mr. Thompson of Marion, moved to adjourn.

Which motion did not prevail.

Leave of absence was granted Mr. Burson until Monday next.

Mr. Bence introduced

House Bill No. 290. An act regulating the working of coal mines and providing penalties for the violation thereof. Providing for the appointment and qualification of Mine Inspector and prescribing his duties.

Which was read a first time.

Leave of absence was granted Mr. Thompson of Marion, until 10 o'clock a. m. Monday.

Leave of absence was granted Mr. Patterson until Monday next at 10 o'clock a. m.

Mr. Forkner moved to adjourn.

Which motion did not prevail.

Leave of absence was granted Mr. McCord until Monday next at 10 o'clock a. m.

Mr. Martin of Wells, presented a petition on the subject of insurance.

Which was referred to the Committee on Insurance.

Mr. Bearss introduced

House Bill No. 291. An act requiring clerks, sheriffs, justices of the peace, constables, and the Auditor of State to perform certain duties in relation to the collection of fees for the collection of debts, between the 1st of July, 1875, and the 1st of July, 1876.

Which was read a first time.

Mr. Davison introduced

House Bill No. 292. An act to amend paragraph two of fifty-three of an act to amend section fifty-three of an act entitled, "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, and prescribing the powers and rights and the manner in which they shall exercise the same, and regulating such other matters as properly pertain thereto, approved March 10th, 1873."

Which was read a first time.

Mr. Gossman moved to adjourn.

Which motion did not prevail.

Mr. Ames introduced

House Bill No. 293. To legalize the acts of County Commissioners in loaning money and purchasing and conveying real estate, and to authorize them to sell and convey lands heretofore conveyed to said county, and take obligations and securities therefor.

Which was read a first time.

Mr. Kennedy of Marion offered the following resolution:

*Resolved*, That the Committee on Benevolent Institutions be instructed to inquire into the present condition of the sewer of the Deaf and Dumb Asylum, and as legislation may be necessary in the case they, report without delay.

Which resolution was referred to the Committee on Benevolent and Scientific Institutions.

Mr. Snyder introduced

House Bill No. 294. An act to amend the 467th Section of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleadings and practice without distinction between law and equity."

Which was read a first time.

Mr. Megenity offered a memorial on the subject of the Floyd county Criminal Court.

Which was referred to the Committee on the Organization of Courts of Justice.

Mr. Megenity introduced

House Bill No. 295. An act prescribing the time at which the terms of office of the County Treasurer of the various counties of this State shall begin, and requiring County Treasurers now in office to discharge the duties of their several offices from the time such terms of office would expire until the first Tuesday after the first Monday of June next succeeding the expiration of such terms of office.

Which was read a first time.

Mr. Haynes introduced

House Bill No. 296. An act to amend section two hundred and five of an act entitled "An act to provide for a uniform assessment of property and for the collection and return of taxes thereon," approved December 21, 1872.

Which was read a first time.

Mr. Brown of Rush, introduced

House Bill No. 297. An act supplemental to an act to provide for the incorporation of railroad companies, approved May 11,



1872 ; repealing sections one and two of said act, and all laws and parts of laws in conflict therewith.

Which was read a first time.

Mr. Pfafflin introduced

House Bill No. 298. A bill making married women who carry on business in their own name responsible for all contracts connected with said business, and declaring an emergency.

Which was read a first time.

Mr. McMichael moved to adjourn till Monday next at 2 o'clock p. m.

The ayes and noes being demanded by one-tenth of the members,

*Those who voted in the affirmative were,*

Messrs. Horn, Johnson of Carroll, Marvin of Fountain, and Washburn—4.

*Those who voted in the negative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bence, Brown of Jasper, Brown of Rush, Caidwell, Collins Crumpacker, Dale, Darnall, Davison, Davis, Emerson, Forkner, Fulk, Gossman, Harper, Harris of Wayne, Havens, Haynes, Henderson, Jackson, Johnston of Dearborn, Keightly, Kennedy of Marion, Lanham, Martin of Franklin, Martin of Wells, Marvin of Boone, Megenity, McFadden, McMichael, Pate, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reeder, Reno, Ribble, Romine, Roseberry, Shortridge, Shugart, Smith, Snyder, Thomas, Trusler, Twibill, Walz, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody—57.

So the motion to adjourn did not prevail.

When, on motion of Mr. Caldwell, the House adjourned until Monday next at 10 o'clock a. m.

DAVID TURPIE,

Speaker.

## MONDAY MORNING.

FEBRUARY 1, 1875—10 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

The Journal of Saturday was read and approved.

Leave of absence was granted Mr. Havens until two o'clock p. m., on account of sickness.

Leave of absence was granted Mr. Thomas until to-morrow, on account of sickness.

Leave of absence was granted to Mr. Thompson of Marion, until two o'clock this afternoon.

Leave of absence was granted Mr. Brown of Jasper, until next Thursday, on account of death in his family.

Messrs. Anderson and Crumpacker moved for a call of the House.

*Those who answered to their names were,*

Messrs. Ames, Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Collins, Crumpacker, Darnall, Davison, Davis, Forkner, Fulk, Gossman, Harris of Wayne, Haynes, Heighway, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnson of Dearborn, Keightley, Kennedy of Marion, Kennedy of Montgomery, Lanham, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, McFadden, McMichael, Nash, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Romine, Roseberry, Shaw, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—68.

Leave of absence was granted Mr. Ribble until 2 o'clock p. m., to-day.

Mr. Crumpacker moved to dispense with further proceedings under the call of the House.

Mr. Crumpacker moved to adjourn.

Which motion did not prevail.

House Bill No. 273, introduced by Mr. Johnson of Carroll, was read a second time.

Which on motion of Mr. Johnson of Carroll, was referred to the Committee on Drains and Dykes.

House Bill No. 274, introduced by Mr. Gossman, was read a second time.

And on motion of Mr. Gossman, the same was referred to the Committee on Judiciary.

House Bill No. 275, introduced by Mr. Brown of Jasper, was read a second time.

And on motion of Mr. Brown of Jasper, the same was referred to the Committee on the Organization of Courts of Justice.

House Bill No. 276, introduced by Mr. Kennedy of Morgan, was read a second time.

And on motion of Mr. Kennedy, the same was referred to the Committee on Judiciary.

House Bill No. 277, introduced by Mr. Kennedy of Morgan, was read a second time.

And the same was, on motion, referred to the Committee on Judiciary.

House Bill No. 278, introduced by Mr. Marvin of Fountain, was read a second time.

Which, on motion of Mr. Marvin of Fountain, was referred to the Committee on Corporations.

House Bill No. 279, introduced by Mr. Shortridge, was read a second time.

Which, on motion of Mr. Shortridge, was referred to the Committee on Judiciary.

House Bill No. 280, introduced by Mr. Dale, was read a second time.

Which, on motion, was referred to the Committee and Township Business.

House Bill No. 281, introduced by Mr. Martin of Wells, was read a second time.

Which, on motion of Mr. Martin of Wells, was referred to the Committee on County and Township Business.

House Bill No. 282, introduced by Mr. Martin of Wells, was read a second time.

Which, on motion of Mr. Martin of Wells, was referred to the Committee on County and Township Business.

House Bill No. 283, introduced by Mr. Martin of Wells, was read a second time.

Which, on motion of Mr. Martin of Wells, was referred to the Committee on Judiciary.

House Bill No. 284, introduced by Mr. Glasgow, was read a second time.

Which, on motion of Mr. Harper, was referred to the Committee on Corporations.

House Bill No. 285, introduced by Mr. Turpie, was read a second time.

Which, on motion of Mr. Burson, was referred to the Committee on Judiciary.

House Bill No. 286, introduced by Mr. Turpie, was read a second time.

Which, on motion of Mr. Burson, was referred to the Committee on Judiciary.

House Bill No. 287, introduced by Mr. Davison, was read a second time.

Which, on motion of Mr. Davison, was referred to the Committee on Cities and Towns.

House Bill No. 288, introduced by Mr. Davison, was read a second time.

Mr. Davison moved that the bill be ordered to its engrossment.

Mr. Williams of Brown moved to amend by making the per diem \$5.00.

Mr. Darnall moved to lay the amendment on the table.

Messrs. Martin of Wells, and Marvin of Boone, demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Bence, Burson, Caldwell, Darnall, Davison, Davis, Emerson, Gossman, Harris of Wayne, Haynes, Hopkins, Horn, Jackson, McCord, Pyeatt, Pfafflin, Shortridge, Shugart, Thompson of Henry, Walz, Washburn, and Mr. Speaker—25.

*Those who voted in the negative were,*

Messrs. Barney, Bellows, Brown of Rush, Collins, Crumpacker, Forkner, Fulk, Harper, Harris of Madison, Heighway, Henderson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Lenham, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McFadden, McMichael, Pate, Patterson, Ramsey, Ragan, Reeder, Reno, Romine, Roseberry, Smith, Snyder, Taylor of Daviess, Twibill, Waterman, Willett and Williams of Brown—43.

So the amendment was not laid on the table.

Mr. Ramsey moved to recommit the bill to the Committee on Fees and Salaries, with instructions to strike out “\$6.00” and insert “\$5.00.”

Mr. Martin of Wells, offered the following amendment:

“Recommit to the Committee on Fees and Salaries, to so amend as to take effect from the 7th day of January, 1875, and strike out the word ‘six’ in first section and insert ‘five.’”

Mr. Forkner moved to lay the amendment on the table.

Which motion did not prevail.

When, on motion of Mr. McMichael the whole subject was made the special order for next Friday at 10 o'clock a. m.

Mr. Horn moved to adjourn.

Which motion did not prevail.

Mr. Kennedy moved to take up Senate Bill No. 115.

Which motion prevailed, and the bill was read a first time.

Mr. Kennedy of Montgomery, moved to suspend the rules and read Senate Bill 115 a second time.

The question being, shall the rules be suspended?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Barney, Bence, Brown of Rush, Burson, Caldwell, Charters, Clark, Crumpacker, Dale, Darnall, Davison, Davis, Emerson, Forkner, Fulk, Gossman, Harper, Harris of Madison, Harris of Wayne, Haynes, Heighway, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Montgomery, McCord, McFadden, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reeder, Reno, Romine, Roseberry, Shortridge, Shugart, Smith, Taylor of Daviess, Thompson of Marion, Twibill, Walz, Washburn, Waterman, Willett, and Mr. Speaker—63.

*Those who voted in the negative were,*

Messrs. Arnold, Bellows, Collins, Megenity, McMichael, Snyder, and Williams of Brown—7.

So the rules were not suspended.

House Bill No. 289, introduced by Mr. Johnson of Carroll, was read a second time.

Which, on motion of Mr. Johnson of Carroll, was referred to the Committee on Benevolent and Scientific Institutions.

House Bill No. 290, introduced by Mr. Bence, was read a second time.

Which, on motion of Mr. Bence, was referred to the Committee on Judiciary.

House Bill No. 291, introduced by Mr. Bearss, was read a second time.

Which, on motion, was referred to the Committee on Judiciary.

House Bill No. 292, introduced by Mr. Davison, was read a second time.

Which, on motion of Mr. Davison, was referred to the Committee on Cities and Towns.

House Bill No. 293, introduced by Mr. Ames, was read a second time.

Which, on motion of Mr. Crumpacker, was referred to the Committee on Judiciary.

House Bill No. 294, introduced by Mr. Snyder, was read a second time.

Which, on motion of Mr. Snyder, was referred to the Committee on Judiciary.

House Bill No. 295, introduced by Mr. Megenity, was read a second time.

Which, on motion of Mr. Megenity, was referred to the Committee on County and Township Business.

House Bill No. 296, introduced by Mr. Haynes, was read a second time.

Which, on motion of Mr. Haynes, was referred to the Committee on County and Township Business.

House Bill No. 297, introduced by Mr. Brown of Rush, was read a second time.

Which, on motion of Mr. Brown of Rush, was referred to Committee on Judiciary.

House Bill No. 298, introduced by Mr. Pfafflin, was read a second time.

Which, on motion of Mr. Davis, was referred to Committee on Judiciary.

On motion of Mr. Darnall, the House adjourned till 2 o'clock p. m.



## AFTERNOON SESSION.

The House met pursuant to adjournment, the Speaker in the chair.

Mr. Horn introduced House Bill No. 299, an act concerning the salaries of Prosecuting Attorneys of Criminal Circuit Courts and providing for the payment thereof out of their county treasury.

Which was read a first time.

Mr. Horn presented a petition on the subject of salaries of Prosecuting Attorneys.

Which was ordered to accompany House Bill No. 299.

Mr. Williams of Brown, offered the following resolution :

WHEREAS, By section one of an act of the General Assembly of the State of Indiana, approved March 11, 1873, the Superintendent of Public Instruction is required to make two apportionments of the school revenue of this State in each year ; and

WHEREAS, Such apportionments are to be made on the fourth Monday in May and on the first day of January of each year ; and

WHEREAS, By section four of said act the County Auditor is required to make semi-annual apportionments of the school revenue to which his county is entitled, on the second Monday in June and on the last Monday in January of each year ; and

WHEREAS, Great inconvenience now exists among Township Trustees in consequence of the change and delay in making such apportionment ; and

WHEREAS, It is now impossible in many cases for Township Trustees to determine the length of their school terms until after such apportionment in January is made ; and

WHEREAS, The term of many of the schools, if commenced early, expire before the said last apportionment ; therefore

*Resolved*, That the Committee on Education be instructed "to inquire into the expediency of so changing the law as to require said apportionments to be made at an early date, and report to this House by bill or otherwise, at their earliest convenience.

Which was adopted.

Mr. Caldwell introduced

House Bill No. 300. An act to amend section six of an act entitled "An act to amend an act entitled an 'An act providing for the election or appointment of Supervisors of highways and prescribing certain of their duties and those of County and Township officers in relation thereto,'" approved March 5, 1859 ; approved December 20, 1865 ; approved March 11, 1873.

Which was read a first time.

Mr. Taylor of Davis, introduced

House Bill No. 301. An act to amend section sixteen of the general act in relation to the incorporation of cities, approved March 14, 1867.

Which was read a first time.

Mr. Gosman introduced

House Bill No. 302. An act relating to the prosecution of felonies not punishable with death, and misdemeanors in the Criminal and Circuit Courts, by affidavit and information, and repealing all laws in conflict with this act, and declaring an emergency.

Which was read a first time.

Mr. Davis presented three petitions on the subject of the abolition of the Criminal Court of Floyd and Clark counties.

Which were referred to the Committee on Organization of Courts of Justice.

Mr. Davison presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Hopkins offered the following resolution :

WHEREAS, There seems to exist a very marked difference in the expense of tuition between the State University and those conducted by denominational enterprise in this State, a difference of almost one-half in favor of the latter ; therefore,

*Resolved*, That the Committee on Education be instructed to inquire into this matter, and report the facts to this House at as early a day as convenient.

Which was adopted.

On motion of Mr. Kennedy of Marion, the reference of the resolution of Saturday last, on the subject of the sewer of the Deaf and Dumb Asylum, was reconsidered, and said resolution was referred to the Committee on Public Buildings.

Mr. Kennedy of Montgomery, introduced

House Bill No. 303. An act providing for the order of doing business in the several Circuit Courts of this State, etc.

Which was read a first time.

Mr. Willett introduced

House Bill No. 304. An act to compel railroad companies and other corporations and persons owning or operating railroads in this State, to fence such road, and prescribing penalties for a violation of the same.

Which was read a first time.

Mr. Willett presented a petition on the subject of fencing the railroads of this State.

Which was ordered to accompany House Bill No. 304.

Mr. Haynes introduced

House Bill No. 305. An act supplementary and amendatory to Section 136 of an act entitled "An act to provide for a uniform assessment of property and for the collection and return of taxes thereon, and declaring an emergency," approved December 21, 1872.

Which was read a first time.

Mr. Walz introduced

House Bill No. 306. An act defining vagrancy, making it a crime, describing punishments for the same, and providing an emergency.

Which was read a first time.

Mr. Brown of Rush, offered the following resolution :

*Resolved*, That the Committee on the Judiciary be instructed to report a bill changing the present election law so as to make justices of the peace, constables, township officers elective at an annual election, to be held on the first Monday of April in each year.

Which resolution was not adopted.

Leave of absence was granted Mr. Taylor of Tipton for one week, on account of sickness.

Leave of absence was granted Mr. Havens till 10 o'clock to-morrow morning, on account of sickness.

Mr. Ratliff presented a petition on the subject of fees and salaries, and for the revision and simplifying proceeding in law, etc., which was referred to the Committee on Fees and Salaries.

Mr. Burson presented the claims of Samuel Conn.

Which was referred to the Committee on Claims.

House Bill No. 101, introduced by Mr. Keightly, was read a third time, and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bellows, Bence, Burson, Caldwell, Charters, Clark, Collins, Crumpacker, Dale, Davison, Davis, Favorite, Forkner, Fulk, Harper, Harris of Madison, Haynes, Henderson, Hopkins, Jackson, Johnson of Carroll, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Martin of Wells, Megenity, Morgan, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reeder, Romine, Roseberry, Shugart, Smith, Thompson of Marion, Trusler, Twibill, Walz, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, and Mr. Speaker—53.

*Those who voted in the negative were,*

Messrs. Anderson, Brown of Rush, Darnall, Emerson, Gossman, Heighway, Horn, Johnston of Dearborn, Lanham, Lincoln, Martin of Franklin, Marvin of Boone, Montgomery, McCord, McFadden, McMichael, Reddick, Reno, Shaffer, Shortridge, Snyder, Taylor of Daviess, Washburn and Wynn—24.

So the bill passed.

House Bill No. 66, introduced by Mr. Harper, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bellows, Brown of Rush, Charters, Clark, Crumpacker, Dale, Darnall, Davison, Davis, Emerson, Favorite, Fulk, Gossman, Harper, Harris of Madison, Harris of Wayne, Haynes, Heighway, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Ken-

nedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Fountain, Montgomery, Morgan, McCord, McFadden, McMichael, Pate, Patterson, Pyeatt, Pfafflin, Ratliff, Reddick, Reeder, Reno, Romine, Roseberry, Shortridge, Shugart, Smith, Taylor of Daviess, Thompson of Marion, Trusler, Twibill, Walz, Williams of Brown, Williams of Lawrence, Woody, Wynn, and Mr. Speaker—65.

*Those who voted in the negative were,*

Messrs. Bence, Burson, Caldwell, Collins, Forkner, Marvin of Boone, Ramsey, Ragan, Shaffer, Snyder, Washburn, Waterman, and Willett—13.

So the bill passed.

Mr. Kennedy of Marion, moved to suspend the rules, and take up Senate Bill No. 115.

The question being, shall the rules be suspended?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Charters, Clark, Collins, Crumpacker, Dale, Darnall, Davison, Davis, Emerson, Favorite, Forkner, Fulk, Gossman, Harper, Harris of Madison, Harris of Wayne, Haynes, Heighway, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnson of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Montgomery, Morgan, McCord, McFadden, McMichael, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reddick, Reeder, Reno, Romine, Roseberry, Shaffer, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr. Speaker—78.

No one voting in the negative.

So the rules were suspended.

Mr. Kennedy of Marion moved to suspend the rule, and that the bill be read a third time.

The question being, shall the rules be suspended ?

*Those who voted in the affirmative were,*

Messrs. Ames Anderson, Arnold, Barney, Bellows, Brown of Rush, Burson, Caldwell, Charters, Clark, Collins, Crumpacker, Dale, Darnall, Davison, Davis, Emerson, Favorite, Forkner, Fulk, Gossman, Harper, Harris of Madison, Harris of Wayne, Haynes, Heighway, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Montgomery, Kennedy of Marion, Kennedy of Morgan, Lanham, Lincoln, Martin of Wells, Martin of Franklin, Marvin of Boone, Marvin of Fountain, Montgomery, Morgan, McCord, McFadden, McMichael, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr. Speaker—75.

No one voting in the negative.

So the rules were suspended and the bill read a third time.

The question being shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bellows, Brown of Rush, Burson, Caldwell, Charters, Clark, Collins, Dale, Darnall, Davison, Davis, Emerson, Favorite, Forkner, Fulk, Gossman, Harper, Harris of Madison, Harris of Wayne, Haynes, Heighway, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, Morgan, McCord, McFadden, McMichael, Pate, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reddick, Reeder, Reno,

Romine, Roseberry, Shaffer, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr. Speaker—75.

No one voting in the negative.

So the bill passed.

The question being, shall the title as read be the title of the bill?

Mr. Wynn moved to amend by adding the words, "and declaring an emergency."

Which motion prevailed, and the title as amended ordered to be the title of the bill.

House Bill No. 153, introduced by Mr. Smith, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bellows, Brown of Rush, Burson, Caldwell, Charters, Clark, Collins, Crumpacker, Dale, Darnall, Davison, Davis, Emerson, Favorite, Forkner, Fulk, Gossman, Harper, Harris of Madison, Harris of Wayne, Haynes, Heighway, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Fountain, Megenity, Montgomery, Morgan, McCord, McFadden, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reddick, Reeder, Romine, Roseberry, Shaffer, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody and Mr. Speaker—74.



*Those who voted in the negative were,*

Messrs. Marvin of Boone, McMichael, Reno and Wynn—4.

So the bill passed.

Mr. Woody moved to reconsider the vote taken on the title of House Bill No. 66.

Which motion prevailed.

Mr. Woody moved to amend the title by adding to the end of title of said bill these words, "and declaring an emergency."

It was ordered that the title, as amended, shall stand as the title of the bill.

House Bill No. 196, introduced by Mr. Crane, was read a third time and put upon its passage.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Charters, Clark, Collins, Crum-packer, Dale, Darnall, Davison, Davis, Emerson, Favorite, Forkner, Fulk, Harper, Harris of Madison, Harris of Wayne, Haynes, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, Morgan, McCord, McFadden, McMichael, Pate, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reddick, Reeder, Ribble, Romine, Roseberry, Shaffer, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Lawrence, Woody, Wynn and Mr. Speaker—75.

*Those who voted in the negative were,*

Messrs. Reno, Williams of Brown—2.

So the bill passed.

House Bill No. 207, introduced by Mr. Walz, was read a third time.

On motion of Mr. Wynn, the bill was recommitted to the Committee on Agriculture with instruction to amend, by inserting "to have the gate at public highways a self-opening gate."

House Bill No. 307, introduced by Mr. McMichael, an act to provide for the appointment of a proper person to collect, arrange and index the Wabash and Erie Canal, Michigan Road, University, Saline, Seminary and Donation Lands, and the preservation of records pertaining to the same.

Which was read a first time.

Messrs. Arnold, Keightly, Johnson of Carroll, Bence, Kennedy of Morgan, and Ramsey presented petitions on the subject of temperance.

Which were referred to the Committee on Temperance.

Mr. Morgan presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Keightly presented an invitation from the Real Estate Exchange.

Which was placed upon file.

When, on motion of Mr. Kennedy of Montgomery, the House adjourned until to-morrow morning at 10 o'clock.

DAVID TURPIE,

Speaker.

## TUESDAY MORNING.

FEBRUARY 2, 1875, 9 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

The House was opened with prayer by Rev. Dr. Naylor.

The Journal of yesterday was read in part and the further reading thereof was dispensed with.

The Speaker announced the following committee on the resolution of Saturday in regard to apportioning the State for Legislative purposes, to-wit :

1st District—Miller of Vanderburgh.

2d District—Crane.

3d District—Collins, Chairman.

4th District—Henderson.

5th District—Johnston of Dearborn.

6th District—Forkner.

7th District—Edwards.

8th District—Roseberry.

9th District—Marvin of Boone.

10th District—Ames.

11th District—Cantley.

12th District—Martin of Wells.

13th District—Glasgow.

The following message was received from the Senate by the Secretary thereof :

MR. SPEAKER :

By direction of the Senate I herewith transmit to the House of

Representatives, for the signature of the Speaker thereof, Enrolled Senate Act No. 25, entitled "An act to fix the times of holding courts in the Thirty-fourth Judicial Circuit."

The following report was made from the Committee on Elections:

MR. SPEAKER:

Your Committee on Elections, to whom was referred House Bill No. 110, introduced by Mr. Twibill, entitled "An act prescribing the number of Senators and Representatives of the General Assembly of the State of Indiana," have had the same under consideration, and have directed me to report the same back to the House, with the recommendation that the bill do lie upon the table.

Which report was concurred in, and the bill ordered to lie upon the table.

The following report was made from the Committee on Organization of Courts:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 86, entitled "An act to abolish the Twenty-seventh Judicial Circuit and the Criminal Circuit Courts therein," have had the same under consideration, and directed me to make the following report:

That they have carefully examined a large number of petitions, that the evidence in the matter is conflicting, but that from an examination of the whole question we are of the opinion that there is a preponderance of evidence in favor of the passage of the bill, and we report the bill back, with all the papers in the case, and with the recommendation that the bill do pass.

Which report was concurred in.

House Bill No. 86, introduced by Mr. Davis, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anderson, Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Charters, Clark, Collins, Crane, Crum-packer, Dale, Darnall, Davison, Davis, Edwards, Evans, Forkner, Fulk, Gilbert, Glasgow, Harris of Madison, Haynes, Heighway, Henderson, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Lanham, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Vanderburg, Montgomery, Morgan, McCord, McFadden, McMichael, Pate, Patterson, Pyeatt, Pfaffin, Ramsey, Ratliff, Ragan, Reddick, Reeder, Ribble, Romine, Roseberry, Shaffer, Shortridge, Smith, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Willett, Williams of Brown, Williams of Lawrence, and Woody—69.

*Those who voted in the negative were,*

Messrs. Ames, Favorite, Heller, Law, Jackson, Nash, Reno, Wynn—8.

So the bill passed.

The following report was made by the Committee on the Organization of Courts of Justice :

MR. SPEAKER :

The Committee on the Organization of Courts of Justice, to whom was referred House Bill No. 255, concerning Grand Juries, introduced by Mr. Collins, have had the same under consideration, and the majority of said committee have directed me to report said bill back to the House with the following amendments, and with the recommendation that if said amendments are concurred in the bill do pass.

First—Strike out from the title the words “and declaring an emergency.”

Second—Strike out section ten and substitute the following :

SEC. 10. Each Grand Juror shall receive two dollars and  
H. J.—31

twenty-five cents per day for each day employed in session, and five cents per mile for each mile necessarily traveled in going to and returning from court from his place of residence.

Third—Strike out section fourteen, being the emergency clause.

Which report was concurred in.

Mr. Davis moved to recommit with amendments to the Judiciary.

Which motion did not prevail.

Mr. Forkner moved to indefinitely postpone the bill.

Mr. McMichael demanded the previous question.

Which motion prevailed.

The question being on the indefinite postponement, the motion of Mr. Forkner to indefinitely postpone the bill did not prevail.

Mr. Darnall moved that the bill be engrossed.

Mr. Forkner moved to amend by striking out "seven" and make the number "three."

Which, on motion of Mr. Martin of Wells, was laid upon the table.

Mr. Williams of Brown, moved to strike out "twenty-five cents" after the words "two dollars."

Which motion prevailed, and the bill as amended was ordered to its engrossment.

The following report was made from the Committee on Education:

MR. SPEAKER:

The Committee on Education, to whom was referred House Bill No. 168, entitled, "An act to authorize the State Board of Educa-

tion to dismiss County Superintendents in certain cases," having carefully considered said bill, beg leave to report the same back to the House, with the recommendation that it lie on the table.

Which was not concurred in.

On motion, the bill was indefinitely postponed.

The following report was made from the Committee on Education:

MR. SPEAKER:

The Committee on Education, to whom was referred House Bill No. 219, entitled, "An act to amend the 153d section of an act entitled, 'An act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed,'" having carefully considered said bill, beg leave to report the same back to the House with the recommendation that it do pass.

Which report was concurred in, and the bill ordered to be engrossed.

The following report was made by the majority of the Committee on Education:

MR. SPEAKER:

The Committee on Education, to whom was referred House Bill No. 188, entitled, "An act to amend section three of an act entitled, 'An act to render taxation for school purposes uniform, etc.,'" having carefully considered said bill, beg leave to report the same back to the House, with the recommendation that it be indefinitely postponed.

Which was concurred in.

The following minority report was made by the Committee on Education :

MR. SPEAKER :

The undersigned members of the Committee on Education, beg leave to offer the following bill as a substitute for House Bill No. 188.

A. H. SHAFFER.

J. H. ANDERSON.

J. C. RATLIFF.

House Bill No. —. An act to render taxation for Common School purposes uniform and to provide for the education of the colored children of the State, approved May 13, 1869.

*Be it enacted by the General Assembly of the State of Indiana* - That section 3 of said act be amended so as to read as follows to wit :

Section 1. The Trustees of each township, town or city, shall organize the colored children into separate schools, having all the rights and privileges of other schools of the township ; *Provided*, There are not a sufficient number within attending distance, the several districts may be consolidated and form one district, but if there are not a sufficient number within reasonable distance to be thus consolidated, the Trustee or Trustees shall admit them into the white schools ; *Provided*, That if the voters in any district shall raise by contribution or otherwise, a sufficient amount of means to enable the Trustee or Trustees to organize a separate school for such colored children, such Trustee or Trustees shall provide for a separate school for such colored children.

Section 2. Whereas, an emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage.

Pending the consideration of the two reports,

On motion of Mr. Arnold, the House adjourned till 2 o'clock P. M.



## AFTERNOON SESSION.

The House met pursuant to adjournment, the Speaker in the chair.

The House resumed the consideration of the reports of the Committee on Education on House Bill No. 188, pending which the House adjourned this morning.

Mr. Shaffer withdrew the minority report.

Mr. Caldwell moved the previous question.

Which motion prevailed.

The question being, shall the bill be indefinitely postponed?

Messrs. Forkner and Darnall demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Arnold, Barney, Bellows, Bence, Caldwell, Cantley, Collins, Crane, Davison, Davis, Edwards, Gilbert, Harris of Madison, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Law, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, McCord, McFadden, McMichael, Nash, Pate, Patterson, Pyeatt, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Willett, Williams of Brown and Mr. Speaker—50.

*Those who voted in the negative were,*

Messrs. Ames, Anderson, Brown of Rush, Burson, Charters, Clark, Crumpacker, Dale, Darnall, Evans, Favorite, Forkner, Fulk, Glasgow, Harper, Heighway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Miller of Vanderburgh, Morgan, Pfafflin, Ratliff, Ragan, Reeder, Ribble, Shaffer,

Shortridge, Smith, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—38.

So the bill was indefinitely postponed.

The Committee on Rights and Privileges made the following report :

MR. SPEAKER :

Your Committee on Rights and Privileges, to whom was committed House Bill No. 111, defining grave-robbing and prescribing punishment therefor, have had the same under consideration, and have directed me to report the following amendments :

In Section 1, line 4, strike out the words "near relatives" and insert "father, mother, son or daughter, brother or sister, uncle, aunt, cousin," and when so amended we recommend its passage.

Amendments concurred in and bill referred back with the following amendments by Mr. Kennedy :

Recommit with instructions to amend by saying "without the consent of the person or persons to whom such dead body shall lawfully belong,"

Mr. Marvin of Boone, from the Committee on Benevolent and Scientific Institutions, submitted the following report :

MR. SPEAKER :

Your Committee on Benevolent and Scientific Institutions, to whom was referred House Bill No. 14, offered by the Hon. G. W. Bence, report adversely to said resolution, and that it would be inexpedient at this time to present a bill to the House of Representatives providing for the sale of any lands belonging to the Insane Hospital.

Which report was concurred in.

Mr. Lanham, from the Committee on Engrossed Bills, submitted the following report :

MR. SPEAKER :

The Committee on Engrossed Bills have compared Engrossed House Bills Nos. 97, 237, 194, 165, 212, 170, 149, 257, 244, 182, 85, 229, 103, 148 and 106, with the original copies, and find the same in all respects correctly engrossed.

Mr. Crumpacker from the Committee on Roads, submitted the following report :

MR. SPEAKER :

Your Committee on Roads, to whom was referred House Bill No. 68, an act providing for the improvement and repair of highways, repealing all acts inconsistent therewith, and declaring an emergency for the immediate taking effect of the same, beg leave to report the said bill back to the House with the recommendation that said bill be laid on the table.

Which report was concurred in, and the bill ordered to lie upon the table.

The following message was received from the Senate:

MR. SPEAKER :

By direction of the Senate I herewith transmit for the signature of the Speaker of the House of Representatives, Enrolled Senate Act No. 115, entitled "An act to provide for the sale of property held in trust in certain cases as therein provided."

Mr. Kennedy from Montgomery, from the Committee on Roads, submitted the following report :

MR. SPEAKER :

Your Committee on Roads, to whom was referred House Bill No. 190, "An act to prohibit the collection of tolls on gravel, turnpike,

macadamized and plank roads in certain cases, to provide the mode of declaring charters of such roads forfeited in certain cases, and repealing all laws inconsistent therewith," approved March 5th, 1859, and declaring an emergency, report the same back to the House with the following amendment to wit :

That in the fourteenth line of the fifth section after the word "court" insert the following words: "all costs in cases where repairs are ordered shall be taxed against the defendants," and with the recommendation that said bill when so amended be passed.

Which report was concurred in, and the amendment ordered to accompany the bill and the bill ordered engrossed.

The following report was made from the Committee on Roads :

MR. SPEAKER :

Your Committee on Roads, to whom was referred House Bill No. 228, entitled "An act to regulate the laying out and opening of highways along and upon section and township lines, etc.," report said bill back to the House with the recommendation that said bill pass.

Which report was concurred in, and the bill ordered engrossed.

The following report was made from the Committee on Enrolled Bills:

MR. SPEAKER :

The Committee on Enrolled Bills respectfully report that they have examined Eurolled Senate Bill No. 115, "An act to provide for the sale of property held in trust in certain cases therein provided," and that said bill is correctly enrolled.

The following report was made from the Committee on Roads :

MR. SPEAKER :

Your Committee on Roads, to whom was referred House Bill No. 29, "An act authorizing the County Commissioners to construct

roads, and a petition of a majority of resident land owners along and adjacent to the line of said road, to repeal all laws heretofore enacted for the construction of gravel roads," report said bill back to the House with the recommendation that said bill be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

The following report was made from the Committee on Roads:

MR. SPEAKER:

Your Committee on Roads, to whom was referred House Bill No. 200, entitled "An act legalizing the extensions of plank, gravel and turnpike roads beyond their terminal points mentioned in their articles of association," report the said bill back to the House with the recommendation that said bill do pass.

Which was concurred in and the bill ordered engrossed.

Mr. Hopkins reported that the plans of the proposed State House were ready for inspection.

Mr. Bellows presented a petition on the subject of prison labor.

Which was referred to the Committee on State Prisons.

Mr. Bellows introduced

House Bill No. 309. An act supplemental to an act entitled "An act to provide for the government and discipline of the State Prisons, and to repeal an act to provide for the government and discipline of the State Prison," approved March 3, 1855, and other laws or parts of laws inconsistent herewith, and to amend the tenth section of said act, and declaring an emergency.

Which was read a first time.

Mr. Davis presented a petition on the subject of prison labor.

Which was referred to the Committee on State Prisons.

Mr. Davis introduced

House Bill No. 310. An act to legalize bonds and other obligations issued by cities, in aid of the construction of Court Houses within their limits.

Which was read a first time.

Mr. Shugart introduced

House Bill No. 311. An act to provide for the registration of births marriages and deaths.

Which was read a first time.

Mr. Fulk presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Ramsey presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Forkner introduced

House Bill No. 312. A bill regulating the publication of Sheriff sales.

Which was read a first time.

Mr. Forkner introduced

House Bill No. 313. A bill providing for the recording of assignments.

Which was read a first time.

Mr. Thompson of Henry, presented the following petition on the subject of Fees and Salaries.

Which was referred to the Committee on Fees and Salaries.

Mr. Woody introduced House Bill No. 314. An act to enable wives of persons of unsound minds to sell and convey their lands, and legalizing certain conveyances, and declaring an emergency.

Which was read a first time.

Mr. Davison introduced

House Bill No. 315. An act to amend section two of an act entitled "An act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs," approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled "An act for the protection of sheep," approved June 15, 1852; approved March 2, 1865.

Which was read a first time.

Mr. Law presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Wynn introduced

House Bill No. 316. An act for the relief of persons whose property was taken or destroyed by the United States troops under the command of Generals Hobson, Wallace, Love and others, while in pursuit of the rebel forces under John Morgan in the year 1863, and declaring an emergency.

Which was read a first time.

Mr. Harper presented a petition on the subject of appraisement, etc.

Which was referred to the Committee on Ways and Means.

Mr. Williams of Lawrence introduced

House Bill No. 317. An act to amend Section 64 of an act entitled "An act providing for the election and qualification of

justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Which was read a first time.

The following message was received from the Senate :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following concurrent resolution :

*Resolved, by the Senate, the House concurring therein, That a committee of five be appointed by the presiding officer of the two houses, to consist of two from the Senate and three from the House, for the purpose of revising, simplifying and correcting the titles to bills.*

And the same is herewith transmitted to the House for its action.

Mr. Hopkins presented the claim of Henry Coleman.

Which was referred to the Committee on Claims.

Mr. Roseberry presented a memorial from John L. Gay in relation to the State University.

Which was referred to the Committee on Education.

Mr. Fulk offered the following resolution :

*Resolved, That the Committee on Education be, and are hereby instructed to bring in a bill looking to a change in the manner of electing the trustees in the State University, in accordance with suggestions of the memorial presented by the gentleman from Monroe.*

The resolution was referred to the Committee on Education.

Mr. Kennedy of Montgomery, presented a petition from New Ross Grange on the subject of temperance.

Which was referred to the Committee on Temperance.



Mr. Thomas offered the following resolution :

*Resolved*, That the portion of the Adjutant General's report for the year 1874, relating to the arming of the State militia and building a State Arsenal, be referred to the Military Committee, and that they be instructed to report to this House by bill or otherwise.

Which was adopted.

Mr. Miller of Parke, introduced

House Bill No. 318. An act to authorize County Commissioners to perform the duties of Road Supervisors, and the County Surveyors to perform the duties of County Civil Engineer, and providing for the appointment of a State Surveyor General, and defining their qualifications and duties as such officers, and providing for the laying out, locating, changing and vacating, constructing, repairing, and maintaining public highways, and for levying, collecting, and expending road tax, and repealing all acts and parts of acts in conflict with the provisions of this act.

Which was read a first time.

Mr. Miller of Parke, presented a petition, which was ordered to accompany House Bill No. 319.

Mr. Reeder presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Shortridge moved to reconsider the vote on re-committing House Bill No. 207.

Which motion prevailed.

Mr. Walz moved the previous question.

Which motion prevailed.

The question now being upon the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Barney, Bence, Brown of Rush, Burson, Charters, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davison, Davis, Edwards,, Favorite, Forkner, Fulk, Gilbert, Glasgow, Harper, Haynes, Hopkins, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Morgan, Leeper, Martin of Wells, Marvin of Fountain, Miller of Parke, Miller of Vanderburgh, Montgomery, McFadden, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reno, Ribble, Roseberry, Shaffer, Shaw, Shortridge, Taylor of Daviess, Thomas, Twibill, Walz, Washburn, Willett, Williams of Brown, Williams of Lawrence, Wynn and Mr Speaker—60.

*Those who voted in the negative were,*

Messrs. Arnold, Bellows, Caldwell, Cantley, Evans, Harris of Madison, Heighway, Henderson, Horn, Kennedy of Montgomery, Lanham, Law, Lincoln, Martin of Franklin, Marvin of Boone, Megenity, Morgan, McCord, McMichael, Nash, Reddick, Reeder, Romine, Thompson of Henry, Thompson of Marion, Trusler and Woody—27.

So the bill passed. .

Mr. Walz moved to amend the title, by adding “and declaring an emergency.”

The title as amended, was ordered to stand as the title of the bill.

Mr. Miller of Vanderburgh presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Pfafflin offered the following resolution :

WHEREAS, There seems to be a great diversity of opinion in regard to the per diem of the members of the General Assembly, and

WHEREAS, Some of the members of the General Assembly have

made the race in the last canvass, for the position which they now hold, upon the principle of retrenchment and reform, and

WHEREAS, They consider themselves in honor bound to commence with such retrenchment and reform on the per diem of members of the General Assembly first; and,

WHEREAS, The per diem of members of the General Assembly was fixed by an act approved December 19, 1872, at eight dollars per day, and five dollars for every twenty-five miles traveled from their usual place of residence to the seat of Government and back, and they to furnish their own stationery without any cost to the State therefor, which was then and there considered no more than a fair compensation to the members of the General Assembly; and,

WHEREAS, The pledges so made during the last canvass by such members to their constituents and to be carried into effect; therefore,

*Resolved*, That the members of the General Assembly who have so pledged themselves shall, at their option, draw from the treasury any sum not exceeding eight dollars per day for their services, as provided for in said act; and in case they should draw less than the amount allowed per diem to members of the General Assembly, then, and in such case, the Treasurer of State, upon request by such members, shall furnish a certificate of the amount drawn, naming the number of days and amount per diem received, which certificate shall be *prima facie* evidence to the constituents of such members that they have complied with their wishes so far as their own pay is concerned.

Which was adopted.

Mr. Jackson presented a petition on the subject of taxation.

Which was referred to the Committee on Ways and Means.

Leave of absence was granted Mr. Havens for to-day and to-morrow, on account of illness.

Mr. Gilbert presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

The following message was received from the Governor :

MR. SPEAKER :

By direction of the Governor I have the honor to transmit a communication from his Excellency submitting for the consideration of the General Assembly a claim made by the Board of Trustees of the Wabash and Erie Canal for repayment of certain expenses incurred by it. A duplicate of the communication and its accompanying documents has this day been transmitted to the Senate.

SAMUEL R. DOWNEY,  
Private Secretary.

Mr. Martin of Wells, introduced

House Bill No. 319. A bill providing certain duties in preparing prescriptions for medicines, declaring the violation thereof a misdemeanor, and prescribing penalties for the violation thereof.

Which was read a first time.

Mr. Martin of Wells, introduced

House Bill No. 320. An act prescribing the duties of administrators and executors in certain cases.

Which was read a first time.

Mr. Johnston of Dearborn, presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Keightly moved to take up House Bill No. 89.

Which motion prevailed.

The question being on the adoption of the amendments reported by the Committee, the same were adopted and the bill ordered engrossed.

The message from the Senate in regard to the appointment of a committee, was taken up and concurred in.

And the Speaker appointed, on behalf of the House, Messrs. Glasgow, Forkner, and Collins, as said Committee.

When, on motion of Mr. Caldwell, the House adjourned till to-morrow morning at ten o'clock.

DAVID TURPIE,  
Speaker.

### WEDNESDAY MORNING.

FEBRUARY 3, 1875, 9 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

The reading of the Journal of yesterday was dispensed with.

Mr. Davis moved a call of the House.

Which motion prevailed.

*Those who answered to their names were,*

Messrs. Ames, Anderson, Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davison, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Haynes, Heighway,

Heller, Henderson, Hopkins, Horn, Jackson, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Lincoln, Martin of Franklin, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Pate, Patterson, Pfafflin, Ramsey, Ratliff, Reddick, Reeder, Reno, Ribble, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr. Speaker—91.

Mr. Davis moved to dispense with further proceedings under the call of the House.

Mr. Davis moved to take up House Bill No. 174.

Which motion prevailed.

The hour having arrived for the special order, being the consideration of House Bill No. 174, Mr. Forkner offered the following amendments :

Amend section one as follows :

1. By inserting therein between the words "away" and "for," in line three, the words "at retail."
2. By inserting therein between the words "gain" and "any," in line three, the words "except for mechanical, medicinal or sacramental purposes."
3. By striking out of lines three and four, the words "in less quantities than a quart at a time."
4. By striking out of said section all after the word "provided" in line five.
5. By adding to said section in the place of the words "last one named," the following: "And any person violating the provisions of this section shall, on conviction, be fined not less than twenty-five and not more than one hundred dollars."

Mr. Davis moved that the amendments do lie upon the table.

The question being on laying the amendments on the table.

Mr. Darnall and Mr. Forkner demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davison, Davis, Edwards, Evans, Gossman, Harris of Madison, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Dearborn, Keightly, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, McCord, McMichael, Nash, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Reddick, Reno, Romine, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—55.

*Those who voted in the negative were,*

Messrs. Ames, Anderson, Charters, Clark, Crumpacker, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Gilbert, Glasgow, Harper, Harris of Wayne, Heighway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Morgan, McFadden, Ratliff, Reeder, Ribble, Roseberry, Shaffer, Shortridge, Shugart, Smith, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—38.

So the amendment was laid on the table.

Mr. Bence offered the following amendment :

Amend section 3, line twelve, by striking out "inhabitant," and inserting "voters."

Which amendment was adopted.

Mr. Wynn, offered the following amendment :

In line eleven section three, strike out all after the word "Board"

and insert the following, "*Provided*, That no license shall be issued to any person whomsoever, where a remonstrance is presented to the Board of Commissioners against the issuing of such license signed by a majority of the voters of the township, town or ward in which it is proposed to sell such intoxicating liquors."

Mr. Davis moved to lay the amendment on the table?

Messrs. Darnall and Wynn demanded the ayes and noes.

The question being shall the amendment lie upon the table?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davison, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Haynes, Heller, Henderson, Hopkins, Horn, Johnson, Keightly, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Vanderburgh, Montgomery, McCord, McMichael, Patterson, Pyeatt, Pfafflin, Ramsey, Reddick, Reno, Romine, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—54.

*Those who voted in the negative were,*

Messrs. Anderson, Charters, Clark, Crumpacker, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Glasgow, Harper, Harris of Wayne, Heighway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Miller of Parke, Morgan, McFadden, Nash, Pate, Ratliff, Ragan, Reeder, Ribble, Roseberry, Shaffer, Shortridge, Shugart, Smith, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—40.

So the amendment was laid upon the table.

Mr. Forkner offered the following amendment:

Amend Section 3 by striking out all between the word "liquors," in line 2, and the word "and," in line 11, and inserting instead



thereof the following: "Shall present to the Board of Commissioners of the county in which he desires to sell such liquors, his petition in writing, describing the place particularly where he desires to sell such liquors, and stating therein that he is of good moral character and fit to be trusted with the business of retailing such liquors, and such petition shall be signed by a majority of all those who voted at the last preceding general election in the township wherein such person desires to sell such liquors; and if he desires to sell such liquors in an incorporated city, then it shall be signed by a majority of all those who voted for councilmen, in the ward wherein he desires to sell such liquors, at the last municipal election preceding the time of filing such petition."

Mr. Davis moved to lay the amendment on the table.

Messrs. Darnall and Lanham demanded the ayes and noes.

The question being, shall the amendments lie upon the table?

*Those who voted in the affirmative were,*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davison, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Dearborn, Keightley, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Vanderburg, Montgomery, McCord, McMichael, Patterson, Pyeatt, Pfafflin, Ramsey, Reddick, Reno, Romine, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—53.

*Those who voted in the negative were,*

Messrs. Ames, Anderson, Charters, Clark, Crumpacker, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Glasgow, Harper, Harris of Wayne, Highway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lincoln, Miller of Parke, Morgan, McFadden, Nash, Pate, Ratliff, Ragan, Reeder, Ribble, Roseberry, Shaffer,

Shortridge, Shugart, Smith, Thomas, Thompson of Henry, Trusler, Twibill, Williams, Woody and Wynn—41.

So the amendment was laid on the table.

Mr. Forkner offered the following amendments:

Amend Section 4 as follows:

1. By striking out of the first line thereof the words "at such term," and insert in their stead the words "upon the hearing of such petition."

2. By inserting therein between the words "applicant" and "upon" the words "upon proof satisfactory to them that said petition is signed by the requisite number of the persons required in the foregoing section, and that the allegations of such petition are true."

3. By inserting the words "and judgments" between the words "costs" and "that," in line five, and by inserting at the beginning of line six, and immediately preceding the word "for," the words "under any of the provisions of this act," and by striking out of said line the words "of this act," and inserting therein in their stead the word "thereof," and by striking out of said section all that part commencing with the word "provided," in line seven and ending with the word "intoxicated," in line eight, and by striking out all after the word "provided," in line ten.

Mr. Davis moved to lay the amendment upon the table.

Messrs. Darnall and Crumpacker demanded the ayes and noes.

The question being, shall the amendment lie upon the table?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davison, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Dearborn, Keightly, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of

Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Vanderburgh, Montgomery, McCord, McMichael, Nash, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Reddick, Reno, Romine, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—56.

*Those who voted in the negative were,*

Messrs. Anderson, Charters, Clark, Crumpacker, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Glasgow, Harper, Harris of Wayne, Highway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Miller of Parke, Morgan, McFadden, Ratliff, Ragan, Reeder, Ribble, Roseberry, Shaffer, Shortridge, Shugart, Smith, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—38.

So the amendment was laid upon the table.

Mr. Morgan offered the following amendment :

Insert after the word “act” in line six, section four, “and all other damages arising from such sale.”

Mr. Davis moved to lay the amendment on the table.

Messrs. Darnall and Forkner demanded the ayes and noes.

The question being, shall the amendment lie upon the table?

*Those who voted in the affirmative were,*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davison, Davis, Edwards, Evans, Gossman, Harris of Madison, Haynes, Heller, Henderson, Hopkins, Horn, Johnston of Dearborn, Keightly, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Vanderburgh, Montgomery, McCord, McMichael, Nash, Patterson, Pyeatt, Pfafflin, Ramsey, Reddick, Reno, Romine, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown, and Mr. Speaker—53.

*Those who voted in the negative were,*

Messrs. Ames, Anderson, Charters, Clark, Crumpacker, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Glasgow, Harper, Harris of Wayne, Highway, Jackson, Kennedy of Montgomery, Kennedy of Moron, Lanham, Lincoln, Miller of Parke, Morgan, McFadden, Pate, Ratliff, Ragan, Reeder, Ribble, Roseberry, Shaffer, Shortridge, Shugart, Smith, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody, and Wynn—40.

So the amendment was laid on the table.

Mr. Reeder offered the following amendment :

In section 5, in third line, strike out "one hundred dollars," and insert "two hundred dollars." In line five, strike out "fifty dollars," and insert "one hundred dollars."

Mr. Davis moved to lay the amendment upon the table.

Which motion prevailed.

Mr. Bence offered the following amendment :

Amend section five line five by inserting after the word liquors "or both."

Which amendment was adopted.

Mr. Reeder offered the following amendment :

In section five, fourth line, insert "five thousand" in lieu of two thousand dollars.

Which amendment was laid on the table.

Mr. Johnson of Dearborn, offered the following amendment :

Section five, in third line, strike out "one hundred" and insert "fifty."

In the sixth line strike out "fifty" and insert "twenty-five dollars."

Which was laid on the table.

Mr. Bence offered the following amendment :

Amend section six, line three, by striking out "two" and inserting "one." In line four strike out "one hundred" and insert "fifty."

Mr. Darnall moved to lay the amendment on the table.

Which motion did not prevail.

And the amendment was adopted.

Mr. Pfafflin offered the following amendment :

In section eight, after the word "year," insert, "and provided that any person so licensed shall have the privilege to transfer such license to any other person by the consent of the Board of Commissioners endorsed in writing thereon ; Provided, however, that such person to whom such license is transferred shall comply with all the requirements of this act with the exception of paying a license for the unexpired term.

Which was laid on the table.

Mr. Bence offered the following amendment:

Amend section 9, line three, after Sunday insert "nor upon any legal holiday," line four, after township insert "town," line four, after holder insert "nor between the hours of 11 P. M. and 5 A. M.," in line five, strike out "forfeit his license and he shall be," in line six, add after dollars "and upon a second conviction he shall in addition to the fine, forfeit his license, and the forfeiture shall be a part of the judgment of the court trying the cause."

Which amendment was adopted.

Mr. Bence offered the following amendment :

Amend section 10, lines four and five, strike out "overseer of the poor in," and insert "trustee of."

Which amendment was adopted.

Mr. Dale offered the following amendment :

In section 10, strike out in line seven the words "fifty dollars," and insert the words "one hundred dollars" instead.

Which was laid on the table.

Mr. Ragan offered the following amendment :

In section 10, after word "person" in line four, add "or friend."

Which was laid on the table.

Mr. Bence offered the following amendment :

Amend section 11, line five, strike out "he."

Which was adopted.

Mr. Pfafflin offered the following amendment :

In section twelve, after the word "year" insert "unless he have permission from the parent or guardian of such person."

Which was laid on the table.

Mr. Reeder offered the following amendment :

Section fourteen in second line after the word "intoxication" insert "or to any person in the habit of being intoxicated."

Mr. Davis moved to lay the amendment on the table.

Messrs. Darnall and Wynn demanded the ayes and noes.

The question being, shall the amendment lie upon the table?

*Those who voted in the affirmative were,*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davison, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Dearborn, Keightley, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, McCord, McMichael, Nash, Patterson, Pyeatt, Pfafflin, Ramsey, Reddick, Reno, Romine, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, and Mr. Speaker—54.

*Those who voted in the negative were,*

Messrs. Ames, Anderson, Charters, Clark, Crumpacker, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Glasgow, Harper, Harris of Wayne, Heighway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Morgan, McFadden, Pate, Ratliff, Ragan, Reeder, Ribble, Roseberry, Shaffer, Shortridge, Shugart, Smith, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Brown, Williams of Lawrence, Woody, and Wynn—40.

So the amendment was laid on the table.

Mr. Pfafflin offered the following amendment to section 14:

After the word "dollar," insert, "and any person in a state of intoxication who shall, after being refused any such intoxicating liquor by the person so licensed to sell such intoxicating liquor, shall force or compel, by threats or otherwise, such person so licensed to give him such intoxicating liquor, shall be guilty of a misdemeanor, and upon conviction thereof, be fined in any sum not less than ten nor more than fifty dollars, to which the court or jury trying the cause may add imprisonment in the county jail not less than three nor more than thirty days."

Which was laid on the table.

Mr. Glasgow offered the following amendment to section 16:

Strike out of section 16, all after the word "provided" in line 5.

Which amendment was not adopted.

Mr. Bence offered the following amendment:

Amend section 17, line one, by inserting before "Circuit" "Criminal Circuit Courts and." Strike out of line three "Circuit."

Which amendment was adopted.

Mr. Morgan offered the following amendment:

Insert in first line, after "court," "Justice of the Peace."

Which amendment was not adopted.

Mr. Bence offered the following amendment:

Amend Section 18, line 3, insert after act "except as provided in Section 16 of this act."

In line 6, before circuit, insert "Criminal Circuit Court or."

Which was adopted.

Mr. Forkner offered the following amendment:

Strike out Section 20 and insert the following:

"SEC 20. Any person holding a license under this act who shall violate any of the provisions thereof, shall, upon conviction of the same, forfeit his license."

SEC. 21. Every person who shall sell, barter, or give away any intoxicating liquors to any person who shall be in a state of intoxication at the time of such sale, or who shall be, or at any time shall have been, in the habit of becoming intoxicated, which shall cause the intoxication of such person, or contribute to the same, shall forfeit and pay to the wife of such person to whom such liquors shall



be sold, bartered or given, if such person be a married man, or to the husband of such person, if it be a married woman, or to the father, and in case of his death, the mother, if she be living, if it be an unmarried person, and in the absence of the above-named relations, jointly and severally, to the children of such person, all damages which they may sustain by reason of the intoxication of such person, and in addition thereto an amount of money not exceeding three thousand dollars, to be assessed by the court or jury trying the same, to be recovered in an action in any court of competent jurisdiction in the name of the person entitled thereto.

SEC. 22. All actions brought under the provisions of this act shall be brought within two years after the right of action accrues, and not afterwards.

When, on motion of Mr. Davis, the House adjourned till 2 o'clock this afternoon.

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#### AFTERNOON SESSION.

The House met pursuant to adjournment, the Speaker in the Chair.

The consideration of House Bill No. 174, with the amendment offered by Mr. Forkner, pending the consideration of which the House adjourned this morning, was resumed.

Mr. McMichael moved that the amendment offered by Mr. Forkner, do lie upon the table.

Messrs. Forkner and Fulk demanded the ayes and noes.

The question being, shall the amendment lie upon the table?

*Those who voted in the affirmative were,*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davison, Edwards,

Evans, Gilbert, Gossman, Harris of Madison, Haynes, Heller, Henderson, Hopkins, Horn, Johnston of Dearborn, Keightly, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Vanderburgh, Montgomery, McMichael, Nash, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Reddick, Reno, Romine, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—53.

*Those who voted in the negative were,*

Messrs. Ames, Anderson, Charters, Clark, Crumpacker, Dale, Darnall, Favorite, Forkner, Fulk, Glasgow, Harper, Harris of Wayne, Heighway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Miller of Parke, Morgan, McFadden, Ratliff, Ragan, Reeder, Ribble, Roseberry, Shaffer, Shortridge, Shugart, Smith, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—38.

So the amendment was ordered to lie upon the table.

Mr. Bence offered the following amendment:

Amend the title by adding “and declaring an emergency.”

Which amendment was adopted.

Mr. Darnall offered the following amendment:

If in any city, or in any ward in any city, or in any township in any county in this State, the majority of the legal voters of such city, ward or township shall remonstrate against the granting of license to sell spirituous or malt liquors in such city, ward or township, (as the case may be,) no license shall be granted for twelve months after the filing of such remonstrance in the Auditor's office; and the wish of such city, ward or township may be ascertained either by majority of the legal voters signing their names to a remonstrance for that purpose, or by an election held in the usual manner of holding election in such city, ward or township, the legal voters of the township voting license or no license, as they may choose, and in either case, that is by a remonstrance or an election, if it is

ascertained that a majority of the people are opposed to granting license, none shall be granted in such city, ward or township for twelve months as aforesaid.

Which amendments were laid on the table.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following concurrent resolution, to-wit:

*Resolved by the Senate the House concurring,* That our Senators in Congress be instructed and our Representatives be requested to use all honorable means to secure the location of a branch mint of the United States at the city of Indianapolis.

Also the following resolution:

*Resolved by the General Assembly of the State of Indiana,* That the Senators and Representatives from this State be, and they are hereby requested to make such effort as to them may seem expedient and proper to obtain from the General Government some reasonable appropriation of money for the purpose of opening and establishing a harbor at the mouth of Wolf River, in Lake county, in the northwestern corner of the State.

Also, the following Engrossed Bills of the Senate, to-wit:

Engrossed Senate Bill No. 60. Entitled an act defining the liabilities of infants, and persons contracting with infants of certain ages.

Engrossed Senate Bill No. 21. Entitled an act to prohibit the sale, gift or bartering of deadly weapons or ammunition therefor to minors.

Engrossed Senate Bill No. 98, entitled an act to amend section forty of an act entitled "An act dividing the State into counties,

defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7th, 1852, and declaring an emergency.

Engrossed Senate Bill No. 130, entitled an act to amend section fifty-four of an act entitled "An act to revise, simplify and abridge the rules, practice pleadings and forms in civil cases in the courts of this State, to abolish distinct actions of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852.

Engrossed Senate Bill No. 137, entitled an act concerning the practice in relation to appeals to the Circuit Court.

Engrossed Senate Bill No. 81, entitled "An act to transfer from the office of the Auditor of the State to the General Fund of the Treasury, certain sums of money, held for Free Banks that have suspended, or wound up, and making other provisions in relation hereto, and said bills, and resolutions are herewith submitted to the House for its action thereon."

Mr. Arnold moved to adjourn.

Which motion did not prevail.

Leave of absence was granted Mr. Arnold during the remainder of the afternoon.

Leave of absence was granted to the Committee on Reformatory Institutions for to-morrow.

Leave of absence was granted Mr. Bearss for one week, on account of illness in his family.

Pending the consideration of House Bill No. 174,

On motion of Mr. Glasgow, the House adjourned till to-morrow morning at ten o'clock.

DAVID TURPIE,

Speaker.

## THURSDAY MORNING.

FEBRUARY 4, 1875, 10 o'clock.

The House met pursuant to adjournment, the Speaker in the chair.

The journal of yesterday was read in part.

When, on motion of Mr. Edwards, the further reading thereof was dispensed with.

Mr. Davis moved a call of the House.

*Those who answered to their names were,*

Messrs. Ames, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Charters, Clark, Collins, Crane, Dale, Darnall, Davison, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Ianham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megen-ity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McFadden, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr. Speaker—92.

Mr. Davis moved to dispense with further proceedings under the call of the House.

Which motion prevailed.

H. J.—33

Leave of absence was granted Mr. McCord, until to-morrow, on account of sickness.

Leave of absence was granted Mr. Johnson of Carroll, until 2 o'clock this afternoon.

Leave of absence was granted Mr. Osborn for yesterday's absence.

The House resumed consideration of House Bill No. 174, pending the consideration of which the House adjourned yesterday afternoon.

Mr. McMichael moved to lay the amendment, to House Bill No. 174, offered by Mr. Darnall, upon the table.

Messrs. Darnall and Wynn demanded the ayes and noes.

The question being, shall the amendment lie upon the table?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bellows, Bence, Brown of Jasper, Caldwell, Crane, Davison, Davis, Edwards, Gossman, Harris of Madison, Havens, Haynes, Heller, Henderson, Hopkins, Horn, Johnston of Dearborn, Keightly, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McMichael, Osborn, Pate, Patterson, Pfafflin, Ramsey, Reddick, Romine, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—46.

*Those who voted in the negative were,*

Messrs. Brown of Rush, Burson, Charters, Clark, Collins, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Gilbert, Glasgow, Harper, Harris of Wayne, Highway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Miller of Parke, Miller of Vanderburgh, Morgan, McFadden, Nash, Pyeatt, Ratliff, Ragan, Reeder, Reno, Ribble, Roseberry, Shaffer, Shaw, Shortridge,

Shugart, Smith, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—45.

So the amendment was laid upon the table.

Pending the consideration of House Bill No. 174, on motion of Mr. Darnall, the House adjourned till this afternoon at 2 o'clock.

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#### AFTERNOON SESSION.

The House met pursuant to adjournment, the Speaker in the chair.

The House resumed the consideration of House Bill No. 174, pending the consideration of which the House adjourned this morning.

Mr. Davis moved a call of the House.

*Those who answered to their names were,*

Messrs. Ames, Anderson, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Caldwell, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davison, Davis, Edwards, Evans, Favorite, Fulk, Glasgow, Gossman, Harper, Harris of Madison, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnston of Dearborn, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, Morgan, McFadden, McMichael, Nash, Osborn, Pate, Patterson, Pfafflin, Ramsey, Ratliff, Ragan, Reddick, Reeder, Ribble, Roseberry, Shaffer, Shaw, Shortridge, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn, and Mr. Speaker—81.

On motion of Mr. Davis, further proceedings under the call of the House were dispensed with.

The following message was received from the Senate :

MR SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills, to wit :

Engrossed Senate Bill No. 48, entitled a bill to amend Section 1 of an act entitled "An act to amend an act entitled 'an act to provide for a general system of common school, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named ; and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed,' approved March 6, 1865, and adding supplemental sections thereto," approved March 8, 1873.

Engrossed Senate Bill No. 199, entitled a bill to amend Section second of an act entitled "An act to amend the second, sixth and seventh sections of an act entitled 'an act concerning the organization of voluntary associations and repealing former laws in reference thereto,' approved February 12, 1855," approved March 6, 1865.

Engrossed Senate Bill No. 155, entitled a bill supplemental to an act concerning the organization and perpetuity of voluntary associations, and repealing an act entitled "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devisees by will to be made to any corporation or purpose contemplated by this act, and providing that the Boards of Commissioners of counties shall, in certain cases, allow for the support of orphan children who are cared for by associations organized under the third specification of the second section of said act, and requiring such orphan children to be furnished with homes as expeditiously as practicable and making the senior commissioner in service a member ex-officio of the board of officers of



such associations; also, providing that no distinction shall be made on account of nativity, complexion, or religious belief of such orphans or their parents, and said bills are herewith transmitted to the House of Representatives.

Mr. McMichael moved the previous question.

Which motion prevailed.

Mr. Davis moved to consider the bill as engrossed, and that the same be read a third time and placed upon its passage.

Which motion prevailed.

Mr. McMichael moved the previous question.

The question now being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Charters, Collins, Crane, Davison, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Haynes, Heller, Henderson, Hopkins, Horn, Keightly, Kennedy of Marion, Law Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Vanderburgh, Montgomery, McCord, McMichael, Nash, Osborn, Pate, Patterson, Pfafflin, Ramsey, Reddick, Reno, Romine, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—56.

*Those who voted in the negative were,*

Messrs. Anderson, Brown of Jasper, Clark, Crumpacker, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Glasgow, Harper, Harris of Wayne, Heighway, Jackson, Johnson of Dearborn, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Miller of Parke, Morgan, McFadden, Pyeatt, Ratliff, Ragan, Reeder, Ribble, Roseberry, Shortridge, Shugart, Smith, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—39.

So the bill passed.

The following message was received from the Senate:

MR. SPEAKER :

I am directed by the President of the Senate to inform the House of Representatives that he has signed Enrolled Act 182 of the House of Representatives, and the same is herewith returned to the House.

Leave of absence was granted Mr. Patterson until Monday.

Leave of absence was granted Mr. Havens until 2 o'clock p. m.

On motion of Mr. Heller, the House adjourned till 10 o'clock to-morrow morning.

DAVID TURPIE,

Speaker.

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## FRIDAY MORNING.

FEBRUARY 5, 1875, 10 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

The Journal of yesterday was read and approved.

The hour having arrived for the consideration of House Bill No. 288 with the amendment offered by Mr. Ramsey.

The question being on the adoption of the amendment.

Which was not adopted.

Mr. Marvin of Boone, moved to strike out the emergency clause..

Messrs. Forkner and Wynn demanded the ayes and noes.

The question being, shall the emergency clause be stricken out?

*Those who voted in the affirmative were,*

Messrs. Ames, Bence, Caldwell, Cantley, Crane, Davis, Heighway, Heller, Hopkins, Horn, Jackson, Kennedy of Marion, Marvin of Boone, Marvin of Fountain, Miller of Vanderburgh, Montgomery, McMichael, Pfafflin, Reno, Shaffer, Walz and Washburn—23.

*Those who voted in the negative were,*

Messrs. Anderson, Arnold, Barney, Bellows, Brown of Jasper, Brown of Rush, Charters, Clark, Collins, Crumpacker, Dale, Davison, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Harper, Harris of Madison, Harris of Wayne, Haynes, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Megenity, Miller of Parke, Morgan, McCord, McFadden, Nash, Osborn, Pycatt, Ramsey, Ragan, Reddick, Reeder, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Waterman, Willett, Williams of Lawrence, Woody, Wynn and Mr. Speaker—69.

So the emergency clause was not stricken out.

Mr. Forkner moved the previous question, being on the passage of the bill.

Which motion did not prevail.

Leave of absence was granted Mr. Williams of Brown, until Monday next, at 2 o'clock p. m., on account of illness in his family.

Leave of absence was granted Mr. Pate, until Wednesday next, on account of illness in his family.

The following message was received from the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed Engrossed Joint Resolution No. 3 of the House, entitled "A joint resolution expressing regret for the death of Hon. Milton B. Hopkins, and the same is herewith returned to the House.

Mr. Marvin of Boone offered the following amendment to House Bill No. 288, then under consideration:

Amend the emergency clause as follows:

"This act shall take effect from the 7th of January, 1875."

Mr. Burson offered the following resolution:

*Resolved*, That the bill be referred back to the Committee on Fees and Salaries, with instructions to report a bill back to the House reducing salaries of all officers, from the Governor down, at their earliest convenience.

Which was adopted.

Mr. Leeper introduced

House Bill No. 321. An act defining the duties of County and Township Assessors, and County and State Boards of Equalization in certain cases, and prescribing the manner of determining the value of property of Incorporated Manufacturing and Mining and other incorporated Companies for taxation, and declaring an emergency.

Which was read a first time.

Mr. Forkner moved to take up House Bill No. 25, and that the same be placed on its passage.

Mr. Davis moved to lay the motion on the table.

Messrs. Forkner and Davis demanded the ayes and noes.

The question being, shall the motion lie on the table?

*Those who voted in the affirmative were,*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Crane, Davison, Davis, Edwards, Evans, Gossman, Harris of Madison, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Law Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Vanderburgh, Montgomery, McCord, McMichael, Nash, Osborn, Pyeatt, Pfafflin, Ramsey, Reddick, Reno, Romine, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett and Mr. Speaker—53.

*Those who voted in the negative were,*

Messrs. Ames, Anderson, Brown of Jasper, Clark, Collins, Crumpacker, Dale, Emerson, Favorite, Forkner, Fulk, Gilbert, Glasgow, Harper, Harris of Wayne, Heighway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Miller of Parke, Morgan, McFadden, Ragin, Reeeder, Ribble, Roseberry, Shaffer, Shortridge, Shugart, Smith, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—40.

So the motion was laid upon the table.

The following report was made from the Committee on Elections:

MR. SPEAKER:

Your Committee on Elections, to whom was referred the papers in the case of Edward H. Taylor vs. Miles Waterman, in contest, have directed me to report said papers back to the House with the recommendation that they do lie upon the table, for the reason that neither Mr. Taylor, nor any one in his behalf, has been present before said committee to present his claim to a seat in the House of

Representatives as a Representative from the county of DeKalb. And further, said committee have directed me to report that they recommend that said contest be dismissed and Miles Waterman be declared entitled to the seat as Representative from the county of DeKalb. Said recommendations were unanimous with every member of the committee present.

Which report was concurred in.

Mr. Caldwell, from the Committee on Ways and Means, submitted the following report:

MR. SPEAKER:

The Committee on Ways and Means, to whom was referred House Bill No. 143, entitled "An act to amend an act to create a State Normal School, adding a supplemental section and providing for certain appropriations," having carefully examined said bill, authorize me to report the same back to the House with the recommendation that it do pass.

Which report was concurred in, and the bill ordered engrossed.

The following report was made by the Committee on Ways and Means:

MR. SPEAKER:

The Committee on Ways and Means, to whom was referred House Bill No. 135, entitled "An act relating to public sale of real estate and defining the duties of the Sheriff therein," have had the same under consideration, and have instructed me to report the same back with the following amendments, to wit:

In line nine, section one, strike out the words "or the person for whose benefit such sale is made."

In line ten, section one, strike out the word "plaintiff" and insert in lieu thereof the word "defendant."

In line eleven, section one, strike out the words "for whose ben-

efit such sale is made," and when so amended the committee recommend the passage of the bill.

Which report was concurred in, and on motion the bill was recommitted to the Committee on Judiciary.

The following report was made from the Committee on Organization of Courts:

MR. SPEAKER:

Your Committee on Organization of Courts, to whom was referred House Bill No. 275, have had the same under consideration, and have directed me to report said bill back to the House, and that it be amended to read as follows, to wit:

An act to amend an act entitled "An act to divide the State into circuits for judicial purposes, fixing the time of holding the courts therein; abolishing the courts of Common Pleas and transferring the business thereof to the Circuit Courts, and providing for the election of Judges and Prosecuting Attorneys in certain cases," approved March 6th, 1873, and creating the Thirtieth Judicial Circuit, providing for the appointment of a Judge therefor, and repealing all laws and parts of laws inconsistent therewith, and declaring an emergency.

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, that section twenty-four of said entitled act, be amended to read as follows, to wit:

SEC. 24. The county of Tippecanoe shall constitute the Twenty-third Circuit:

That section thirty of said entitled act be amended to read as follows, to wit:

SEC. 30. The county of Cass shall constitute the Twenty-ninth Circuit.

That section thirty-one be amended to read as follows, to wit:

SEC. 31. The counties of Butler, Newton and Jasper, shall constitute the Thirtieth Circuit.

SEC. 2. The counties of White, Carroll and Pulaski shall constitute the Thirty-ninth Circuit.

SEC. 3. That section 62 of said entitled act be amended to read as follows, to wit: "Section 62. The terms of said court in the Twenty-third Circuit shall be held in the county of Tippecanoe, on the first Monday in February, the fourth Monday in April, the first Monday in September and the third Monday in November of each year, and shall continue so long as the business thereof shall require."

SEC. 4. That section 68 of said act be amended to read as follows, to wit: Section 68. The terms of said court in the Twenty-ninth Circuit, shall be held in the county of Cass, on the first Monday in February, the Fourth Monday in April, the first Monday in September and the third Monday of November of each year, and shall continue nine weeks or longer, if the business shall require.

SEC. 5. The terms of said court, in the Thirty-ninth Circuit shall be held in the county of Carroll, on the first Monday in February, the third Monday in April, the first Monday in September and the second Monday of November of each year; and in the county of White, on the fourth Monday in February, the second Monday in May, the fourth Monday in September and the first Monday in December; and in the county of Pulaski, on the third Monday in March, the second Monday in June, the third Monday in October and the fourth Monday in December in each year. The courts in in each of these counties shall continue three weeks at each term, if the business thereof shall require.

SEC. 6. All writs, subpoenas, publications, rules, bonds, recognizances, orders, or process of whatever kind, issued out of any Circuit Court of any of said counties, and made returnable to any term of said court as heretofore fixed by law, shall be deemed and held to be returnable to the first term of said courts, as provided by this act.

SEC. 7. It shall be the duty of the Governor, immediately on the taking effect of this act, or so soon thereafter as practicable, to appoint and commission a Judge for the Thirty-ninth Judicial Circuit created by this act, who shall hold his office until the general election in October, 1876, and until his successor shall have been elected and qualified.

SEC. 8. All laws and parts of laws in conflict with the provisions of this act, and the same are hereby repealed.

SEC. 9. Whereas, on account of the large amount of unfinished



business now pending in the Tippecanoe and Cass Circuit Courts, an emergency is hereby declared to exist for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

And when so amended recommend that it pass.

Report concurred in, and the bill ordered engrossed.

The following report was made from the Committee on Judiciary :

MR. SPEAKER :

The Committee on Judiciary, to whom was referred House Bill No. 274, introduced by Mr. Gossman, have had the same under consideration and have directed me to report the same back to the House, with recommendation that it be indefinitely postponed.

Which was concurred in, and the bill so ordered.

The following report was made from the Committee on Judiciary :

MR. SPEAKER :

Your Committee on Judiciary, to whom was referred House Bill No. 220, providing for the incorporation of Bridge Companies, have had the same under consideration and recommend that it pass.

Which was concurred in, and the bill ordered engrossed.

The following report was made from the Committee on the Judiciary :

MR. SPEAKER :

The Committee on the Judiciary, to whom was referred House Bill No. 290, an act regulating the working of coal mines, etc., beg leave to report that they have had the same under consideration, and they recommend that the same be amended as follows :

In line 2, Section 9, strike out the words "in Clay county" and

insert in their stead "which is nearest to the center of any mining district;" that in line 18 of said section the words "Indianapolis Journal and Sentinel" be stricken out and the words "two papers of general circulation in this State" be substituted therefor, and that said bill when so amended be passed.

Which report was concurred in, amendments adopted, and the bill ordered engrossed.

Mr. Kennedy of Montgomery, submitted the following report :

MR. SPEAKER :

Your Committee on the Judiciary, to whom was referred House Bill No. 237, a bill legalizing the records and acknowledgments of deeds in certain cases, beg leave to report that they have had the same under consideration and recommend that the same be passed.

Which report was concurred in and the bill ordered engrossed.

Mr. Kennedy of Montgomery, submitted the following report :

MR. SPEAKER :

The Committee on the Judiciary, to whom was referred House Bill No. 230, an act fixing the boundary line between Indiana and Kentucky, near Evansville, etc., beg leave to report that they have examined the same, and they recommend that the word "bill" in the first line of the title thereof be stricken out and the word "act" substituted therefor, and that after the word "determine" in said title there be inserted the words "the location of."

They further recommend that the word "Treasurer" in line thirteen of section four, be stricken out and the word "Auditor" be substituted therefor.

They further recommend that the words "shall pay to" be stricken out and the words "shall draw his warrant in favor of" be substituted therefor. And that the word "the" after "Commissioned," in line fourteen, of said section be stricken out and the word "for" be substituted theretor, and that said act when so amended do pass.

Which report was concurred in, and the bill ordered engrossed.

Mr. Kennedy of Montgomery, submitted the following report :

MR. SPEAKER :

Your Committee on Judiciary, to whom was referred House Bill No. 241, "An act relating to lost or destroyed records and deeds, etc., have had the same under consideration, and recommend its passage.

Which report was concurred in and the bill ordered engrossed.

The following report was made from the Committee on Judiciary :

MR. SPEAKER :

The Committee on Judiciary, to whom was referred House Bill No. 107, amending the law in regard to the partition of lands, have had the same under consideration, and recommend that it be indefinitely postponed.

Which report was concurred in, and the bill so ordered.

The following report was made from the Committee on Judiciary :

MR. SPEAKER :

The Committee on Judiciary, to whom was referred House Bill No. 183, have had the same under consideration, and recommend its passage.

Which was concurred in, the bill considered engrossed, read a third time, and placed upon its passage :

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Cantley, Clark, Collins, Crane, Crumpacker, Dale, Davison, Davis, Edwards, Emerson, Evans, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Haynes, Heighway, Heller, Henderson,

Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Miller of Parke, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Pyeatt, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Lawrence, Woody, Wynn and Mr. Speaker—82.

*Those who voted in the negative were,*

Messrs. Favorite, Hopkins, Lanham, Law, Megenity, Miller of Vanderburgh, Pfaffin and Shaffer—8.

So the bill passed.

Leave of absence was granted Mr. Shugart until next Wednesday, on account of ill health.

Leave of absence was granted Mr. Caldwell until next Tuesday, on account of sickness in his family.

Leave of absence was granted Mr. Ratliff until next Tuesday, on account of sickness.

The following report was made from the Committee on Judiciary :

MR. SPEAKER :

Your Committee on Judiciary, to whom was referred House Bill No. 291, a bill requiring Clerks, Sheriffs and Justices of the Peace, to perform certain duties, in relation to the collection of certain fees, have had the same under consideration and have instructed me to report the same to the House with the recommendation that it do lie on the table.

Which was concurred in, and the bill so ordered.

The following report was made from the Committee on Judiciary :

MR. SPEAKER :

Your Committee on Judiciary, to whom was referred the petition of Jacob Young and others, praying that this Legislature grant to Drury Hughes a divorce from his wife, Fanny Hughes, have had the same under consideration, and instruct me to report to the House, that the Legislature has no power to grant unto the troubled David the relief asked for.

Which was concurred in.

Leave of absence was granted to Mr. Martin of Franklin until next Monday at 2 o'clock p. m.

Mr. Wynn, from the Committee on Rights and Privileges, submitted the following report :

MR. SPEAKER :

The Committee on Rights and Privileges, to whom was recommended House Bill No. 111, have had the same under consideration, and direct me to make the following report : Strike out the words, (in Section 1, lines 4 and 5,) "near relatives of a deceased person," and insert the words "person or persons to whom such dead bodies shall lawfully belong," and when so amended, we recommend its passage.

Which report and amendments were concurred in, the bill considered engrossed, read a third time, and placed upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crumpacker, Dale, Darnall, Davison, Davis Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert,

Glasgow, Harper, Harris of Madison, Harris of Wayne, Haynes, Heller, Henderson, Hopkins, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Romine, Roseberry, Shaffer, Shaw, Shortridge, Smith, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Lawrence, Woody, Wynn and Mr. Speaker—85.

*Those who voted in the negative were,*

Messrs. Gossman, Horn, Kennedy of Marion and Martin of Wells—4.

So the bill passed.

The following report was made from the Committee on Rights and Privileges :

MR. SPEAKER :

Your committee, to whom was referred House Bill No. 204, entitled "An act providing for the relief of persons bound as surety on contracts in writing, for the payment of money," etc., herewith report said bill back with the recommendation that it pass.

Which was concurred in, and the bill ordered engrossed.

Mr. Crumpacker moved to reconsider the vote by which the bill was engrossed.

Mr. Wynn moved to lay the motion to reconsider on the table.

Which was so ordered.

Mr. Edwards moved that the bill be considered engrossed and put upon its passage.

Which motion prevailed.

The question now being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Brown of Jasper, Burson, Caldwell, Charters, Clark, Dale, Darnall, Davison, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Glasgow, Harper, Harris of Wayne, Harris of Madison, Heighway, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Keightly, Kennedy of Montgomery, Kennedy of Morgan, Martin of Wells, Miller of Parke, Miller of Vanderburgh, Montgomery Morgan, McCord, McFadden, McMichael, Nash, Osborn, Pfafflin, Reeder, Ribble, Shaffer, Shaw, Shortridge, Smith, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Woody and Wynn—59.

*Those who voted in the negative were,*

Messrs. Bellows, Cantley, Collins, Crumpacker, Davis, Gilbert, Gossman, Johnston of Dearborn, Kennedy of Marion, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Marvin of Boone, Marvin of Fountain, Megenity, Pyeatt, Ragan, Reddick, Reno, Romine, Roseberry, Washburn, Waterman, Willett, Williams of Lawrence, and Mr. Speaker—28.

So the bill passed.

Leave of absence was granted to the Committee on Benevolent and Scientific Institutions, for this afternoon, to visit the Insane Asylum.

Leave of absence was granted Mr. Forkner, until next Monday, at two o'clock p. m.

Leave of absence was granted to Mr. Johnston of Dearborn, until Monday next, at two o'clock p. m.

Leave of absence was granted to the Joint Committee on Public Buildings, until Monday next, at two o'clock p. m.

Leave of absence was granted Mr. Nash, until Monday next.

Leave of absence was granted Mr. Davis, until next Monday, at two o'clock p. m.

Leave of absence was granted Mr. Crumpacker, until Monday next, at two o'clock p. m.

On motion of Mr. Arnold, the House adjourned until two o'clock this afternoon.

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#### AFTERNOON SESSION.

The House met pursuant to adjournment, the Speaker in the chair.

The hour having arrived for the consideration of the special order, being the resolution offered by Mr. Kennedy of Montgomery in regard to the State House.

The Speaker laid before the House the memorial of Henry C. Wilson on the subject of a State House.

Which was referred to the Committee on Public Buildings.

Mr. Davis moved that the resolution of Mr. Kennedy of Montgomery, in relation to the State House, be referred to the Committee on Public Buildings.

Which motion prevailed.

The following report was made from the Committee on Rights and Privileges :

MR. SPEAKER :

Your Committee on Rights and Privileges, to whom was referred House Bill No. 259, "An act to prevent the collection of attorneys' fees on notes, bonds and agreements in writing conditioned for the payment of money, and declaring an emergency," report said bill



back to the House, with the recommendation that said bill lie on the table.

Which report was not concurred in.

On motion, the bill was ordered to be engrossed.

The following report was made from the Committee on Railroads:

MR. SPEAKER:

Your Committee, to whom was referred House Bill No. 99, introduced by Mr. Forkner, providing for a joint liability on the part of lessees, assignees, receivers, and other persons running or operating railroads, and the owners, lessees, or assignees of such railroads, for stock killed, have had the same under consideration, and beg leave to report the same back, and recommend that it do pass.

Which was concurred in, and the bill ordered engrossed.

Mr. Forkner moved that House Bill No. 99 be considered engrossed, and placed on its passage.

Which motion prevailed.

House Bill No. 99, introduced by Mr. Forkner, was read a third time and placed on its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davison, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Fountain, Megenity, Miller of

Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Osborn, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Twibill, Walz, Washburn, Waterman, Willett, Williams of Lawrence, Woody, and Mr. Speaker—83.

No one voting in the negative.

So the bill passed.

The following report was made from the Committee on Agriculture:

MR. SPEAKER:

The Committee on Agriculture, to whom was referred House Bill No. 247, introduced by Mr. Romine, entitled, "An act to amend section 2 of an act entitled "An act to amend sections 2 and 6 of an act entitled 'an act to provide for a geological survey, for the preservation and collection of a geological cabinet,'" etc., have had the same under consideration, and return it with the recommendation that it pass.

Which was concurred in, and the bill ordered engrossed.

The following report was made from the Committee on Agriculture:

MR. SPEAKER:

The Committee on Agriculture, to whom was referred House Bill No. 211, introduced by Mr. Edwards, entitled "An act for the protection of sheep against the depredation of dogs," etc, have had the same under consideration, and have instructed me to return it with the recommendation that it lie on the table.

Which was concurred in, and the bill so ordered.

The following report was made from the Committee on Agriculture.

MR. SPEAKER :

The Committee on Agriculture, to whom was referred House Bill No. 176, introduced by Mr. Waterman, entitled, "A bill to provide that owners of dogs killed or maimed shall not obtain judgment for such killing or maiming, unless such dogs are listed for taxation with provision," have duly considered the same, and have instructed me to report the same back to the House with the following amendments :

Amend by adding to last proviso, "And that nothing in this act shall be so construed as to allow any persons to obtain judgment for the killing of any dog that may be found killing, maiming or in any way injuring sheep or other domestic animals, or wandering off of premises out of the presence of the owner," and when so amended, recommend that it pass.

Which was concurred in, and the bill ordered engrossed.

The following report was made from the Committee on Agriculture :

MR. SPEAKER :

The Committee on Agriculture to whom was referred House Bill No. 24, introduced by Mr. Waterman, entitled, "An act to provide for collection of damages from owners of sheep killing dogs, and providing for arbitration in such cases," have had the same under consideration and hereby return it with the recommendation that it lie on the table.

Which was concurred in, and the bill so ordered.

The Committee on Corporations made the following report :

MR. SPEAKER :

The Committee on Corporations, to whom was referred House Bill No. 88, amending section five of an act for the incorporation

of towns, introduced by Mr. Heller, have had the same under consideration and have directed me to report the same back to the House with the following amendments :

Amend as follows :

Strike out all that part of section one commencing with the word "which " in the fourth line and ending with the word "town" in the thirty-sixth line, and when so amended recommend that it pass.

Which report was concurred in and the bill ordered engrossed.

The following report was made from the Committee on Corporations :

MR. SPEAKER :

Your Committee on Corporations, to whom was referred House Bill No. 114, have instructed me to report the same back with the recommendation that it be referred to the Committee on Railroads.

Which report was concurred in and the bill so referred.

The following report [was made by the Committee on Corporations :

MR. SPEAKER :

In relation to House Bill No. 297, introduced by Mr. Brown of Rush, providing for the amendment of an act to provide for the incorporation of railroad companies, approved May 11, 1852, which bill was referred to the Committee on Corporations, the majority of said committee direct me to report the same back to the House with the recommendation that it be referred to the Committee on Railroads, that committee having under consideration legislation upon the subject of the bill.

Which report was concurred in, and the bill so referred.

The following report was made from the Committee on Corporations :

MR. SPEAKER :

The majority of the Committee on Corporations, to whom was referred House Bill No. 240, introduced by Mr. Davis of Floyd, providing for the election of certain persons to serve as Directors of railroad companies, direct me to report the same back to the House with the recommendation that it pass.

Which was concurred in, and the bill ordered engrossed.

Leave of absence was granted Mr. Brown of Rush, until Monday next, at 2 o'clock p. m., on account of sickness.

Mr. Megenity, from the Committee on Drains and Dykes, submitted the following report :

MR. SPEAKER :

Your Committee, to whom was referred House Bill No. 206, entitled "An act to provide for the construction of any ditch, drain, or water course, etc.," have had the same under consideration, and have directed me to report the same back to the House with the recommendation that it be amended as follows, to wit :

That the title to said bill be stricken out and the following be inserted in lieu thereof, viz :

"An act to enable the owners of wet lands to drain and reclaim them where the same can not be done without effecting the lands of others, prescribing the process and duties of County Boards and other officers in the premises, and to provide for the repair of such drains, and to repeal all laws inconsistent herewith, and declaring an emergency, and that when so amended, that said bill do pass.

Which report and amendments were concurred in, and the bill ordered engrossed.

Mr. Megenity moved that House Bill No. 206, and the amendment, be considered engrossed and placed on its passage.

Which motion prevailed.

Mr. Forkner recommended that the bill do lie upon the table and that one hundred copies be printed, and that it be made the special order for Friday at 10 o'clock.

Which motion prevailed.

The following report was made from the Committee on Drains and Dykes:

MR. SPEAKER:

Your Committee on Drains and Dykes, to whom was referred House Bill No. 218, "An act to enable the owners of wet lands to drain and reclaim them, when the same can not be done without affecting the lands of others, etc.," report said bill back to the House with the recommendation that said bill be laid on the table.

Which was concurred in, and the bill so ordered.

Mr. Shaffer, from the Select Committee, submitted the following report:

MR. SPEAKER:

The Special Committee, to whom was referred House Bill No. 172, have had the same under consideration, and would recommend that the bill be engrossed and passed, with the following amendments:

Strike out in the fourth line of Section 1 the words "State and" and adding to the bill two additional sections.

SEC. 6. That any room or house, where any such bodies or remains of dead bodies are taken for the purpose of dissection, shall be kept well ventilated and in as neat and orderly condition as possible, and any such dissection room, or rooms, not so kept, as provided in this section, they shall be declared a public nuisance, and be prosecuted as other public nuisances.

SEC. 7. WHEREAS, An emergency exists for the immediate taking effect of this act, the same shall take effect from and after its passage.

Which report was concurred in, and the bill ordered engrossed.

The following resolution was introduced by Mr. Horn :

*Resolved, by the House of Representatives, That the use of the Hall of the House be granted to Hon. Peter Kiser, of Ft. Wayne, Ind., this evening at 7.30 o'clock, to address such members of this Legislature, and citizens of Indianapolis, as desire to hear him.*

Which resolution was adopted.

Mr. Williams of Brown, introduced

House Bill No. 322. An act prescribing some of the duties of Secretary, Auditor, and Treasurer of State, and other officers therein named, and prescribing punishment for a violation thereof.

Which was read a first time.

Mr. Bellows introduced

House Bill No. 323. An act prescribing the duties of County Commissioners in relation to the examination of the books and accounts of county officers.

Which was read a first time.

Mr. Ribble introduced

House Bill No. 324. An act to provide for the sale of macadamized, gravel and turnpike roads.

Which was read a first time.

Mr. Ribble presented a petition on the subject of guardians at law.

Which was referred to the Committee on Judiciary.

Mr. Waterman introduced

House Bill No. 325. An act concerning license to exhibit any caravan, circus, rope or wire dancing, legerdemain, ventriloquism,

puppet show, concert, theatrical performance, or any other exhibition of whatever name or description, by traveling or stationary troupe or troupes, collectively or individually, and providing for the collection of the same, with an emergency clause.

Which was read a first time.

Mr. Waterman introduced

House Bill No. 326. An act concerning the salaries of certain county officers, and matters properly connected therewith.

Which was read a first time.

Mr. Waterman presented a memorial from the State Board of Agriculture.

Which was referred to the Committee on Agriculture.

Mr. Waterman presented a petition in relation to fees and salaries.

Which was referred to the Committee on Fees and Salaries.

Mr. Martin of Franklin, offered the following resolution :

*Resolved*, That the Committee on the Judiciary be instructed to report a bill so changing the law that if the holders of notes or other obligations for the payment of money, with sureties on them, do not put them in process of legal collection soon as due, the sureties shall be released from their liabilities as such sureties unless they consent to an extension of time in writing.

Which resolution was referred to the Committee on Judiciary.

Mr. Clark introduced

House Bill No. 327. A bill prohibiting the importation, manufacture and sale of intoxicating liquors in this State.

Which was read a first time.



Mr. McCord introduced

House Bill No. 328. An act defining the crime of professional thief and affixing the punishment.

Which was read a first time.

Leave of absence was granted Mr. Lincoln until Monday next at 2 o'clock p. m.

Mr. Ragan introduced

House Bill No. 329. An act to limit the power of Township Trustees in incurring debts and requiring him to designate certain days for transacting township business.

Which was read a first time.

Mr. Morgan introduced

House Bill No. 330. Amendments to section sixteen of an act entitled "An act providing for election or appointment of Supervisors of Highways and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859.

Which was read a first time.

Mr. Forkner introduced

House Bill No. 331. An act to provide that Judges may, in vacation, dissolve injunctions or restraining orders theretofore granted.

Which was read a first time.

Mr. Forkner introduced

House Bill No. 332. A bill to amend Section 173 of an act entitled "An act to revise, simplify, and abridge the rules of practice, etc."

Which was read a first time.

Mr. Woody introduced

House Bill No. 333. A bill to provide for the election of directors of the State Prisons, prescribing their powers and duties, providing for their compensation, repealing all acts and parts of acts conflicting herewith, and declaring an emergency.

Which was read a first time.

The following message was received from the Governor :

MR. SPEAKER:

By direction of the Governor, I have the honor to transmit a communication from His Excellency, submitting a claim made by the Prosecuting Attorney of the Thirtieth Judicial Circuit, for the reimbursement to Benton county of certain extraordinary expenses incurred by it in the prosecution and conviction of James L. McCullough.

SAMUEL R. DOWNEY,

Private Secretary.

Mr. Darnall introduced

House Bill No. 334. An act making it a penal offence for any engineer, contractor or other person having control of any railroad or freight train, to block up or hold such train across any street or public highway.

Which was read a first time.

Mr. Crane introduced

House Bill No. 335. An act to repeal section two of an act entitled "An act to secure dues from private corporations and to extend their immunities to all citizens who may organize on the same terms," approved February 25, 1859.

Which was read a first time.

Mr. Ames presented the claim of Nicholas Sherer.

Which was referred to the Committee on Claims.

The Speaker laid before the House a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

The Speaker laid before the House a petition on the subject of fees and salaries.

Which was referred to the Committee on Fees and Salaries.

Mr. Hopkins presented the claim of the City of Indianapolis.

Which was referred to the Committee on Claims.

Mr. Roseberry presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

On motion of Mr. Kennedy of Montgomery, House Bill No. 68 was taken from the table and one hundred copies ordered to be printed.

Mr. Willett presented a petition on the subject of fencing railroads.

Which was referred to the Committee on Railroads.

Leave of absence was granted Mr. Megenity until Tuesday next, on account of ill health.

Mr. Megenity introduced

House Bill No. 336. An act to amend an act approved March 5, 1867, entitled "An act to amend section forty-nine of an act entitled an act to provide for opening, vacating and changing highways," approved June 17, 1852.

Which was read a first time.

Mr. Edwards offered the following resolution :

*Resolved*, That no new bill shall be introduced or considered by this House which is not presented at least ten days before the final adjournment of this body.

Which was laid on the table.

Mr. Edwards introduced

House Bill No. 337. An act for the setting and protection of shrubbery, the design of which is to make a fence by the owners of the lands in the State.

Which was read a first time.

Mr. Reddick introduced

House Bill No. 338. An act to amend Section 4 of an act entitled "An act to establish a home for the maintenance of the sick and disabled Indiana soldiers and seamen and their orphans, approved March 11, 1867, approved May 14, 1867.'"

Which was read a first time.

Mr. Leeper introduced

House Bill No. 339. An act for the encouragement of manufacturing companies.

Which was read a first time.

Mr. Leeper offered the following resolution :

WHEREAS, The returns made by assessors of taxables, for statistical purposes, entail a heavy expense upon the State, are unreliable and of no public utility ; therefore

*Resolved*, That the Committee on Ways and Means be directed to inquire into the expediency of so amending our assessment law as to render it more efficient in this particular, or to abolish this

duty of the assessors altogether, and, if deemed advisable, to report a bill to that effect to this body.

Which resolution was referred to the Committee on Ways and Means.

Mr Anderson introduced

House Bill No. 340. An act to amend Section 14 of an act entitled "An act regulating foreign insurance companies doing business in this State, prescribing the duties of the agents thereof, and of the Auditor of State in connection therewith, and prescribing penalties for the violation of the provisions of this act," that the same be amended so as to read as follows :

Which was read a first time.

Mr. Shortridge introduced

House Bill No. 341. An act amendatory and supplemental to an act entitled "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855, and declaring an emergency.

Which was read a first time.

Mr. Pfafflin introduced

House Bill No. 342. A bill to amend sections 36 and 58 of the act entitled "An act granting to the citizens of the town of Evansville, in the county of Vanderburgh, a city charter," approved January 27, 1847, and adding a supplemental section thereto abolishing the office of City Collector of said city and requiring the City Treasurer to perform the duties of City Collector of said city, and construing the forty-first clause of the thirtieth section of the charter of said city with an emergency clause thereto.

Which was read a first time.

Mr. Pfafflin presented on the subject of the Criminal Court of Vanderburgh county.

Which was referred to the Committee on Organization of Courts of Justice.

Leave of absence was granted Mr. Havens until Monday next, on account of sickness.

Mr. Collins introduced

House Bill No. 343. An act to amend section three of an act entitled "An act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings and to purchase any ground and building for school purposes, and to pay debts contracted for such erection and completion and purchase of buildings and grounds and authorizing the levy and collection of an additional special school tax for the payment of such bonds," approved March 8, 1873, and declaring an emergency.

Which was read a first time.

Leave of absence was granted Mr. Harris of Wayne, till Monday next at 2 o'clock p. m.

Mr. Heller moved that when the House adjourn it be until Monday next at 10 o'clock a. m.

Mr. Davison moved, by way of amendment, that when the House adjourn it be until Monday next at 2 o'clock p. m.

Which motion did not prevail.

Leave of absence was granted Mr. Waterman until 2 o'clock p. m. on Monday next on account of sickness.

Mr. Heller renewed his motion that when the House adjourn it be until Monday next at 10 o'clock a. m.

Which motion prevailed.

The Message from the Governor in relation to Canals, was taken up.

Which, on motion of Mr. Shaffer, was referred to the Committee on Canals.

The message from the Governor in relation to the claim of Benton county, was taken up.

Which, on motion of Mr. Davis, was referred to the Committee on Claims.

On motion of Mr. Davis, the House adjourned until Monday next, at ten o'clock a. m.

DAVID TURPIE,  
Speaker.

## MONDAY MORNING.

FEBRUARY 8, 1875—10 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

The Journal of Friday was read in part, when, on motion of Mr. Havens, the further reading thereof was dispensed with.

Engrossed Senate Bill No. 21, introduced by Mr. Hough, entitled, "An act to prohibit the sale, gift, or bartering of deadly weapons, or ammunition therefor, to minors."

Which was read a first time.

Engrossed Senate Bill No. 60, introduced by Mr. Scott. A bill defining the liabilities of infants, and persons contracting with infants, of certain ages.

Which was read a first time.

Engrossed Senate Bill No. 81. An act to transfer from the office of the Auditor of State to the general fund of the Treasurer, certain sums of money held for free banks that have suspended or been wound up, and making other provisions in relation thereto.

Which was read a first time.

Engrossed Senate Bill No. 98. An act to amend section forty of an act entitled "An act dividing the State into counties, defining their boundaries and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7, 1852, and declaring an emergency.

Which was read a first time.

Engrossed Senate Bill No. 130. An act to amend section fifty-four of the act to simplify the practice.

Which was read a first time.

Leave of absence was granted Mr. Ratliff for one week from to-day.

Leave of absence was granted Messrs. Lanham, Anderson and Heller, until 10 o'clock a. m. to-morrow.

Engrossed Senate Bill No. 137. An act concerning the practice in relation to appeal to the Circuit Courts.

Which was read a first time.

Engrossed Senate Bill No. 48, introduced by Mr. Bunyan. An act to amend section one of an act to amend an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865, and adding supplemental sections thereto; approved March 8, 1873.

Which was read a first time.



Engrossed Senate Bill No. 155. An act supplemental to an act concerning the organization and perpetuity of voluntary associations, etc., approved February 12, 1855.

Which was read a first time.

Engrossed Senate Bill No. 199. An act to amend section second of an act entitled "An act to amend the second, sixth and seventh section of an act entitled 'an act concerning the organization of voluntary associations, and repealing former laws in reference thereto,'" approved February 12, 1855; approved March 6, 1865.

Which was read a first time.

House Bill No. 299, introduced by Mr. Horn, was read a second time.

Which, on motion of Mr. Darnall, was referred to the Committee on Judiciary.

House Bill No. 300, introduced by Mr. Caldwell, was read a second time.

Which, on motion of Mr. Martin of Wells, was referred to the Committee on Roads.

House Bill No. 301, introduced by Mr. Taylor of Daviess, was read a second time.

Which, on motion of Mr. Taylor of Daviess, was referred to the Committee on Cities and Towns.

House Bill No. 302, introduced by Mr. Gossman, was read a second time.

Which on motion of Mr. Gossman, was referred to the Committee on Judiciary.

House Bill No. 303, introduced by Mr. Kennedy of Montgomery, was read a second time.

Which, on motion of Mr. Kennedy of Montgomery, was referred to the Committee on Judiciary.

House Bill No. 304, introduced by Mr. Willett, was read a second time.

Which, on motion of Mr. Willett, was referred to the Committee on Railroads.

Mr. Willett presented a petition on the subject of fencing railroads.

Which was referred to the Committee on Rail Roads.

House Bill No. 305, introduced by Mr. Haynes, was read a second time.

Which, on motion of Mr. Haynes, was referred to the Committee on County and Township Business.

House Bill No. 136, introduced by Mr. Walz, was read a second time.

Which, on motion of Mr. Havens, was referred to the Committee on the Judiciary.

House Bill No. 307, introduced by Mr. McMichael, was read a second time.

Which, on motion of Mr. McMichael, was referred to the Committee on Swamp Lands.

House Bill No. 309, introduced by Mr. Bellows, was read a second time.

Which, on motion of Mr. Woody, was referred to the Committee on Rights and Privileges.

House Bill No. 310, introduced by Mr. Davis, was read a second time.

Which, on motion of Mr. Bellows, was referred to the Committee on Judiciary.

House Bill No. 311, introduced by Mr. Shugart, was read a second time.

Which, on motion of Mr. Martin of Wells, was referred to the Committee on Statistics and Emigration.

House Bill No. 212, introduced by Mr. Forkner, was read a second time.

Which, on motion of Mr. Darnall, was referred to the Committee on Judiciary.

House Bill No. 313, introduced by Mr. Forkner, was read a second time.

Which, on motion of Mr. Darnall, was referred to the Committee on Judiciary.

House Bill No. 314, introduced by Mr. Woody, was read a second time.

Which, on motion of Mr. Woody, was referred to the Committee on Judiciary.

House Bill No. 315, introduced by Mr. Davison, was read a second time.

Which, on motion of Mr. Hopkins, was referred to the Committee on Agriculture.

House Bill No. 316, introduced by Mr. Wynn, was read a second time.

Mr. Burson moved that the bill be indefinitely postponed.

Which motion prevailed, and the bill was so ordered.

House Bill No. 317, introduced by Mr. Williams of Lawrence, was read a second time.

Which, on motion of Mr. Kennedy of Montgomery, was referred to the Committee on Judiciary.

House Bill No. 318, introduced by Mr. Miller, was read a second time.

Which, on motion of Mr. Miller of Parke, was referred to the Committee on Roads.

House Bill No. 319, introduced by Mr. Martin of Wells, was read a second time.

Which, on motion of Mr. Martin of Wells, was referred to the Committee on Judiciary.

House Bill No. 320, introduced by Mr. Martin of Wells, was read a second time.

Which, on motion of Mr. Martin of Wells, was referred to the Committee on Judiciary.

House Bill No. 321, introduced by Mr. Leeper, was read a second time.

Which, on motion of Mr. Edwards, was referred to the Committee on County and Township Business.

House Bill No. 322, introduced by Mr. Williams of Brown, was read a second time.

Which, on motion of Mr. Hopkins, was referred to the Committee on Fees and Salaries.

House Bill No. 323, introduced by Mr. Bellows, was read a second time.

Which, on motion of Mr. Bellows, was referred to the Committee on County and Township Business.

House Bill No. 324, introduced by Mr. Ribble, was read a second time.

Which, on motion of Mr. Ribble, was referred to the Committee on Judiciary.

House Bill No. 325, introduced by Mr. Waterman, was read a second time.

Which, on motion of Mr. Barney, was referred to the Committee on County and Township Business.

House Bill No. 326, introduced by Mr. Waterman, was read a second time.

Which, on motion of Mr. Harris of Madison, was referred to the Committee on Fees and Salaries.

House Bill No. 327, introduced by Mr. Clark, was read a second time.

Which, on motion of Mr. McMichael, was referred to the Committee on Temperance.

Mr. Edwards moved to reconsider the vote by which House Bill No. 321 was committed to the Committee on County and Township Business.

Which motion prevailed.

When, on motion of Mr. Leeper, it was referred to the Committee on Ways and Means.

Mr. Woody moved the reconsideration of the vote by which House Bill No. 309, was referred to the Committee on Rights and Privileges.

Which motion prevailed.

When, on motion of Mr. Bellows, it was referred to the Committee on Judiciary.

Mr. Barney moved a reconsideration of the vote by which House Bill No. 325 was referred to the Committee on County and Township Business.

Which motion prevailed.

When, on motion of Mr. Barney, it was referred to the Committee on Agriculture.

House Bill No. 328, introduced by Mr. McCord, was read a second time.

Which, on motion of Mr. McCord, was referred to the Committee on Judiciary.

House Bill No. 329, introduced by Mr. Ragan, was read a second time.

Which, on motion of Mr. Collins, was referred to the Committee on County and Township Business.

House Bill No. 230, introduced by Mr. Morgan, was read a second time.

Which, on motion of Mr. Harris of Madison, was referred to the Committee on County and Township Business.

House Bill No. 331, introduced by Mr. Forkner, was read a second time.

Which, on motion of Mr. Glasgow, was referred to the Committee on Judiciary.

House Bill No. 332, introduced by Mr. Forkner, was read a second time.

Which, on motion of Mr. Darnall, was referred to the Committee on Judiciary.

House Bill No. 333, introduced by Mr. Woody, was read a second time.

Which, on motion of Mr. Woody, was referred to the Committee on Rights and Privileges.

House Bill No. 334, introduced by Mr. Darnall, was read a second time.

Which, on motion of Mr. Darnall, was referred to the Committee on Rights and Privileges.

House Bill No. 335, introduced by Mr. Crane, was read a second time.

Which, on Motion of Mr. Hopkins, was referred to the Committee on Rights and Privileges.

House Bill No. 336, introduced by Mr. Megenity, was read a second time.

Which, on motion of Mr. Edwards, was referred to the Committee on County and Township Business.

House Bill No. 337, introduced by Mr. Edwards, was read a second time.

Which, on motion of Mr. Edwards, was referred to the Committee on Agriculture.

House Bill No. 338, introduced by Mr. Reddick, was read a second time.

Which, on motion of Mr. Reddick, was referred to the Committee on County and Township Business.

House Bill No. 339, introduced by Mr. Leeper, was read a second time.

Which, on motion of Mr. Leeper, was referred to the Committee on Judiciary.

House Bill No. 340, introduced by Mr. Anderson, was read a second time.

Which, on motion of Mr. Collins, was referred to the Committee on Insurance.

House Bill No. 341, introduced by Mr.———, was read a second time.

Which, on motion of Mr. Collins, was referred to the Committee on Corporations.

House Bill No. 342, introduced by Mr. Pfafflin, was read a second time.

Which, on motion of Mr. Miller of Vanderburgh, was referred to the Committee on Cities and Towns.

House Bill No. 343, introduced by Mr. Collins, was read a second time.

Which, on motion of Mr. Collins, was referred to the Committee on Cities and Towns.

The Senate concurrent resolution in relation to the establishment of a branch mint at Indianapolis, was concurred in by the House.

The Senate resolution in regard to the establishment of a harbor at the mouth of Wolf River, was, on motion of Mr. Kennedy of Montgomery, referred to the Committee on Judiciary.

Mr. Willett, from the Committee on Elections, submitted the following report :

MR. SPEAKER :

Your Committee on Elections, to whom were referred the credentials of members of the present Assembly have examined the following credentials, and found them correct, viz :

1. Samuel Ames, from Lake county.
2. James W. Arnold, from Pike county.
3. Joseph H. Anderson, from Tippecanoe county.
4. George T. Barney, from Elkhart and Noble counties.
5. George R. Bearss, from Kosciusko and Fulton counties.
6. Thomas S. Bellows, from Clarke county.
7. George W. Bence, from Clay county.
8. Barker Brown, from Rush, Ripley and Decatur counties.
9. George H. Brown, from Jasper and White counties.



10. George Burson, from Pulaski, Fulton and Starke counties.
11. Frank D. Caldwell, from Clinton county.
12. John A. Cantley, from Cass county.
13. David Charters, from Miami county.
14. Nathan H. Clark, from Hamilton county.
15. Alfred B. Collins, from Washington county.
16. Charles E. Crane, from Knox county.
17. Theophilus Crumpacker, from Porter county.
18. Hiram Dale, from Wabash county.
19. J. M. Darnall, from Howard county.
20. Alexander A. Davison, from Jackson county.
21. John S. Davis, from Floyd county.
22. James G. Edwards, from Putnam county.
23. James Emerson, from Benton and Newton counties.
24. Edward Evans, from Laporte county,
25. James C. Favorite, from Huntington county.
26. Markner E. Forkner, from Henry county.
27. Martin C. Fulk, from Greene county.
28. Eugene B. Glasgow, from Steuben county.
29. Andrew J. Gossman, from Martin and Dubois counties.
30. Samuel Harper, from Lagrange county.
31. Geo. W. Harris, from Madison county.
32. Bronson L. Harris, from Wayne county.
33. Benjamin F. Havens, from Vigo county.
34. John D. Heighway, from Kosciusko county.
35. John W. Haynes, from Perry county.
36. Mahlon Heller, from Allen county.
37. Mortimore L. Henderson, from Ripley county.

38. James Hopkins, from Marion county.
39. Patrick Horn, from Allen county.
40. Edward Y. Jackson, from Vermillion county.
41. James L. Johnson, from Carroll county.
42. Columbus Johnston, from Dearborn county.
43. Elijah T. Keightly, from Shelby and Marion counties.
44. Evander S. Kennedy, from Marion county.
45. Peter I. Kennedy, from Montgomery county.
46. John Kennedy, from Morgan county.
47. James W. Lanham, from Jefferson county.
48. Lewis C. Law, from Jefferson, Jennings and Scott counties.
49. David R. Leeper, from St. Joseph county.
50. John C. Lincoln, from Warren county.
51. John I. Martin, from Franklin county.
52. Augustus N. Martin, from Adams and Wells counties.
53. Henry M. Marvin, from Boone county.
54. Jesse Marvin, from Fountain county.
55. John L. Megenity, from Orange and Crawford counties.
56. John R. Miller, from Parke and Montgomery counties.
57. William H. Miller, from Vanderburgh county.
58. Jacob W. Montgomery, from Gibson county.
59. James W. Morgan, from Hendricks county.
60. Smith McCord, from Hancock county.
61. Cornelius McFadden, from Johnson county.
62. William McMichael, from St. Joseph and Marshall counties.
63. James L. Nash, from Sullivan county.
64. Albert Osborn, from Elkhart county.
65. William T. Pate, from Ohio and Switzerland counties.

66. William Patterson, from Shelby county.
67. Nathan Pyeatt, from Warwick county.
68. Adolph Pfafflin, from Vanderburgh county.
69. Samuel Ramsey, from Harrison county.
70. Joseph C. Ratliff, from Wayne county.
71. William H. Ragan, from Putnam and Hendricks counties.
72. Jacob Reddick, from Rush county.
73. Martin M. Reeder, from Randolph county.
74. Jesse H. Reno, from Owen county.
75. William Ribble, from Delaware.
76. James Romine, from Spencer county.
77. Wm. N. Roseberry, from Monroe county.
78. Abner H. Shaffer, from Wabash and Huntington counties.
79. John N. Shaw, from Decatur county.
80. Samuel Shortridge, from Tippecanoe county.
81. Cornelius Shugart, from Grant county.
82. Matthew A. Smith, from Delaware and Jay counties.
83. Designy A. Snyder, from Marshal county.
84. Harvey Taylor, from Daviess county.
85. Samuel M. Taylor, from Hamilton and Tipton counties.
86. Joseph Gilbert, from Vigo county.
87. Daniel Thomas, from Parke county.
88. Addison R. A. Thompson, from Henry and Madison counties.
89. James L. Thompson, from Marion county.
90. Milton Trusler, from Fayette and Union counties.
91. David Turpie, from Marion county.
92. William Twibill, from Grant and Blackford counties.

93. John Walz, from Posey county.
94. Thomas Washburn, from Whitley county.
95. Miles Waterman, from DeKalb county.
96. Oliver D. Willett, from Noble county.
97. Alfred Williams, from Brown and Bartholomew counties.
98. Andrew J. Williams, from Lawrence county.
99. Samuel Woody, from Howard and Miami counties.
100. James M. Wynn, from Jennings county.

Respectfully submitted,

O. D. WILLETT,  
Chairman.

Which report was concurred in.

The Judiciary Committee made the following report :

MR. SPEAKER :

The Committee on Judiciary, to whom was referred House Bill No. 39, being an act entitled "An act to Amend Section 1 of an act entitled 'An act to revise, simplify, and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State,'" as amended by an act approved March 10, 1873, have had the same under consideration and direct me to report the same back to the House with the recommendation that the bill lie on the table.

Report concurred in, and the bill so ordered.

The Judiciary Committee made the following report :

MR. SPEAKER :

The Committee on Judiciary, to whom was referred House Bill No. 41, being "An act to provide for the trial of causes in which the judge of the court in which said causes are pending, is interested in any way or in which a change of venue has been, or is, taken from the judge because of his bias or prejudice," have had

the same under consideration, and directed me to report the same back to the House with the recommendation that it lie on the table.

Report concurred in, and bill so ordered.

The Committee on Education made the following report :

MR. SPEAKER :

Your Committee on Education, to whom were referred House Bills Nos. 56 and 189, have had the same under consideration, and have directed that said bills be reported back to the House, with the recommendation that they lie upon the table, and that the accompanying bill be substituted therefor.

Which report was concurred in.

House Bill No. 344. A substitute for House Bills Nos. 56 and 189, reported by the Committee on Education :

An act to amend section 25 of an act entitled "An act to provide for a general system of common schools, the officers thereof and their respective duties, and matters properly connected therewith, and prescribing fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, and providing penalties therein prescribed," approved March 6th, 1865; also, defining the powers of school meetings, and the duties of Township Trustees in employing teachers.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section 25 of the above entitled act, be amended to read as follows :

"SEC. 25. The voters, as defined in sections 14, 15, and 16 of this act, shall meet annually on the first Saturday in October, and elect one of their number Director of such school; also, two other persons who are patrons of such school, whose duty it shall be to act in conjunction with the Director in selecting the teacher for such school, either at this meeting or at any subsequent meeting called for the purpose of selecting a teacher, the Director so elected shall

within ten days after said election, notify the Trustee of his election, and in case of failure to notify, the Trustee shall forthwith appoint three persons for the purpose set forth above, one of whom shall be named Director for said school, but any Director or persons so appointed, may be removed, upon a petition of three-fourths of the persons attached to said school who are entitled to vote at school meetings.

SEC. 2. That in all cases where Directors shall designate the teacher whom they wish employed to teach the school of their district, the Township Trustee of the proper township shall employ the teacher so designated, if he or she can be so employed at the price per day such trustee has determined to pay for the term or terms following to other teachers of the same grade and for schools of the same size and grade.

SEC. 3. All conflicting laws are hereby repealed.

SEC. 4. An emergency exists for the immediate taking effect of this act, therefore it shall be in force from and after its passage.

Which was read a first time.

Mr. Havens, from the Committee on Education, reported back House Bills Nos. 63, 125, 118, 113 and 20, recommending that they do lie upon the table, and that the following bill be substituted therefor.

Which was concurred in.

House Bill No. 345. An act to amend sections thirty-three, thirty-seven and forty-three, and supplemental section six of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1855, and adding supplemental sections thereto, approved March 8, 1873.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section 33 of said act be, and the same is hereby amended, so as to read as follows:

SEC. 33. The Township Trustees of the several townships shall

meet at the office of the County Auditor of their respective counties, on the first Monday of June, eighteen hundred and seventy-five, and biennially thereafter, and shall appoint a County Superintendent who shall have had at least two years' successful experience as a teacher, who shall be a citizen of such county, whose official term shall expire as soon as his successor is appointed and qualified, who, before entering upon the duties of his office, shall take and subscribe an oath that he will faithfully perform his duties as such officer according to law, which oath shall be filed with the County Auditor, and shall execute a bond with freehold surety, to the approval of the County Auditor, payable to the State of Indiana, in the penal sum of one thousand dollars, conditioned that he will discharge his duties according to law, and faithfully account for and pay over to the proper persons, all money which may come into his hands by reason of such office: and each incorporated town shall be entitled to one vote in the selection of such Superintendent: and thereupon the County Auditor shall report the name and post-office address of the person appointed to the Superintendent of Public Instruction: such County Superintendents are hereby prohibited from acting as agents for the sale or introduction of any text books, maps, school furniture, or school apparatus, or supplies of any kind or description: and from receiving any compensation, gift, or reward in any form whatever for recommending or using their influence in favor of the introduction or use of the same: and it shall be the duty of the Board of County Commissioners to dismiss any County Superintendent for immorality, incompetency, or general neglect of duty, or other violations of the provisions of this section, but no County Superintendent shall be dismissed without giving him written notice under the hand and seal of the Auditor, ten days before the first day of the term of the Court of Commissioners, at which the cause is to be heard, and the said notice shall state the charges preferred against the Superintendent, the character of the instrument in which they are preferred, whether petition, complaint, or other writing, and in the name of those preferring the same, and the duties required of the School Examiner, by this Act shall hereafter be performed by the County Superintendent. Whenever a vacancy shall occur in the office of County Superintendent by death, resignation, or removal, the said Trustees, on the notice of the County Auditor, shall assemble at the office of said Auditor, and fill such vacancy for the unexpired portion of the term, in the manner herein provided, and the County Auditor shall be clerk of such election in all cases,

and give the casting vote in case of a tie, and shall keep the record of such election in a book to be kept for that purpose.

SEC. 2. That section 37 of said act be, and the same is hereby amended so as to read as follows :

SEC. 37. The County Superintendent shall hold at least one public examination each month in the year in his county, and in no case shall he grant a license upon a private examination, and all licences granted by him shall be limited to the county in which they are granted: *Provided, however,* That such Superintendent may charge and collect from each person so examined the sum of one dollar; but no per diem shall be allowed such Superintendent for any time he may be employed in such examinations.

SEC. 3. That section 43 of said act be, and the same is hereby amended to read as follows, to-wit :

SEC. 43. The County Superintendent shall receive four dollars for every day actually employed in the discharge of the duties required and permitted in this act, and no more. The number of days in which the County Superintendent shall labor each year in the performance of his duties required of him in visiting schools shall be equal to the whole number of schools in such county, counting each room under the supervision of the County Superintendent, occupied by a teacher, a school. The number of days allowed for office work each year shall be twenty, and he shall receive no perquisites: *Provided,* That on the application of any trustee of any civil township, and for good cause shown, the said Superintendent may, after the expiration of the time allowed by this act, visit one or more schools of such township one day each in addition to the time required to go from his place of residence to such township and return, and such cause for such visit shall be specified in writing, and shall be laid before the Board of County Commissioners at their next meeting thereafter, and if by them deemed sufficient, he shall be allowed for such additional time; but before the County Commissioner shall allow his per diem, or such extra time, the same shall be presented in a bill of account, stating in separate items the nature and amount of service rendered on each day for which he claims compensation, which bill of account shall be verified by affidavit to the effect that the same and each item thereof is just and true. The County Auditor shall draw his warrant on the County Treasurer for the amount allowed by the Board



in favor of said Superintendent, and the Treasurer shall pay the said warrant out of the ordinary county revenues.

SEC. 4. And that supplemental section 6, to said act be, and the same is hereby amended so as to read as follows, to-wit :

SEC. 6. The County Superintendent shall at least once in each year, and as much oftener as he may deem proper, carefully examine the dockets, records, and accounts of the Clerk of the Courts, County Auditor, County Commissioners, Justices of the Peace, Prosecuting Attorneys, Mayors of cities, and see that all fines, forfeitures, unclaimed fees, liquor licenses, and surplus dog tax, etc., are promptly collected, reported, and paid over to the proper fund or revenue: *Provided, however,* That he shall not be allowed per diem for examining dockets, records and accounts, but he shall be allowed for collecting, or causing to be collected, fines and forfeitures, or tax not within the immediate care of any other officer of his county, and for which no other officer has been paid, or is entitled to a fee, twenty per cent. thereof, which percentage shall be allowed him by the Board of County Commissioners, on presentation of the receipt of the County Treasurer for the amounts so collected, and a sworn statement of the services performed, and that no other officer has been paid or is entitled to a fee for collecting the same. Such Superintendent shall see that the full amount of interest on school fund is paid and apportioned, and when there is a deficit of interest on any school fund, or a loss of any school fund or revenue by the county, that proper warrants are issued for the re-imbursement of the same, but no per diem beyond what is provided for herein and allowed, shall in any case be paid him by said Board of Commissioners.

SEC. 5. All laws or parts of laws in conflict with the provisions of this act, are hereby repealed.

SEC. 6. WHEREAS, An emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

A call of the House was ordered.

Pending which, on motion of Mr. Darnall, the House adjourned till two o'clock this afternoon.

## AFTERNOON SESSION.

The House met pursuant to adjournment, the Speaker in the Chair.

Mr. Darnall moved a call of the House.

Which motion prevailed.

*Those who answered to their names were,*

Messrs. Ames, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Cantley, Charters, Clark, Collins, Darnall, Davison, Edwards, Emerson, Evans, Favorite, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Heighway, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Keightley, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Miller of Parke, Miller of Vanderburgh, Montgomery, McCord, McFadden, McMichael, Nash, Osborn, Pyeatt, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Smith, Taylor of Daviess, Thomas, Thompson of Henry, Trusler, Twibill, Walz, Washburn, Willett, Williams of Brown, Williams of Lawrence, Woody and Mr. Speaker—72.

Mr. Darnall moved that further proceedings under the call of the House be dispensed with.

Which motion prevailed.

Leave of absence was granted Messrs. Pfafflin, Patterson, Dale and Snyder, until to-morrow morning at 10 o'clock.

Leave of absence was granted Mr. Ratliff for one week, on account of illness.

Leave of absence was granted Messrs. Morgan and Taylor of Tipton until Wednesday next, on account of illness.

The House resumed the consideration of House Bill No. 344, reported by the majority of the Committee on Education pending, which the House adjourned this morning.

Mr. Reno moved that one hundred copies be printed.

Which motion prevailed.

Mr. Keightly, from the Committee on Claims, submitted the following report :

MR. SPEAKER :

The Committee on Claims have instructed me to report that they have allowed the claim of J. J. Palmer, amounting to \$3,391.71, and ask the same be referred to the Committee on Ways and Means.

Which report was concurred in.

The Committee on Claims made the following report :

MR. SPEAKER :

The Committee on Claims makes the following report: That the claim of Henry Coleman be allowed, amounting to ten dollars, for washing towels for the last House of Representatives, and ask that the same be referred to the Committee on Ways and Means.

Which report was concurred in.

Mr. Williams of Brown, submitted the following report :

MR. SPEAKER :

Your Committee on County and Township Business, to whom was referred House Bill No. 282, entitled "An act authorizing County Boards to provide record books for Justices of the Peace," etc., report said bill back to the House with the recommendation that said bill lie on the table.

Which report was not concurred in, and, on motion, the bill was ordered to be engrossed.

Mr. Havens moved to indefinitely postpone the same.

Mr. Nash moved the previous question.

Messrs. Arnold and Smith demanded the ayes and noes.

Mr. Havens withdrew his motion to indefinitely postpone.

The Committee on Benevolent and Scientific Institutions made the following report :

MR. SPEAKER :

The Committee to whom was referred Resolution No. 42, introduced by Mr. Kennedy of Montgomery, return the same to the House, as it has been referred to the Committee on Public Buildings.

Which report was concurred in.

The Committee on Benevolent and Scientific Institutions made the following report :

MR. SPEAKER :

The Committee on Benevolent and Scientific Institutions, to whom was referred the Resolution of Mr. Kennedy of Marion, have authorized me to report that it is inexpedient to lease any lands belonging to the State near the Deaf and Dumb Asylum.

Which report was concurred in.

The Committee on Benevolent and Scientific Institutions made the following report :

MR. SPEAKER :

The Committee on Benevolent and Scientific Institutions have had the within resolution under consideration and have directed me to report the following bill and recommend its passage.

Which report was concurred in.

House Bill No. 346, reported by Committee on Benevolent and Scientific Institutions:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That ten per centum of the amount of all fines which may be assessed against any person or persons for the violation of the temperance law, and of all fines and forfeitures and penalties, and for any license that may issue under and by virtue of any license law that may hereafter be enacted and collected, the same shall be set apart as a special fund, to apply on the building of an asylum for the treatment and taking care of habitual drunkards.

Which was read a first time.

The Committee on County and Township Business made the following report:

MR. SPEAKER:

Your Committee on County and Township Business, to whom was referred House Bill No. 296, entitled, "An act to amend section 205 of an act entitled, 'An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon,' approved December 21, 1872," report said bill back to the House, with the recommendation that it pass.

Which report was concurred in, and the bill ordered engrossed.

Mr. Williams of Brown, submitted the following report:

MR. SPEAKER:

Your Committee on County and Township Business, to whom was referred House Bill No. 295, an act prescribing the time at which the terms of office of the County Treasurers of the various counties of this State shall begin, and requiring County Treasurers now in office to discharge the duties of their several offices from the time such terms of office would expire, until the first Tuesday after the first Monday of June next succeeding the expiration of such terms of office, report the same back to the House, with the recommendation that it be referred to the Committee on Judiciary.

Which report was concurred in, and the bill so ordered.

The Committee on County and Township Business made the following report :

MR. SPEAKER :

Your Committee on County and Township Business, to whom was referred House Bill No. 280, "An act amending an act approved May 14, 1869, authorizing the assessment of lands for plank, macadamized, and gravel roads, prescribing the manner of assessing and collecting the same, and repealing the law on that subject," approved March 11, 1867, report the same back to the House with the recommendation that it be laid on the table.

Which report was concurred in and the bill laid on the table.

Mr. Williams of Brown, submitted the following report :

MR. SPEAKER :

Your Committee on County and Township Business, to whom was recommitted House Bill No. 108, "An act limiting the powers of County Commissioners," report the same back to the House with the following amendment, to wit :

Strike out the words "twenty thousand dollars" where it occurs in said bill and insert in lieu thereof the words "one-fourth of one per cent," and recommend the passage of said bill with said amendment.

Which report was concurred in.

Mr. Forkner made the following motion :

" I move to recommit to the Committee on County and Township Business with instructions to amend by making a limit to a certain per cent upon the amount which may be expended each year, and striking out all provisions for submitting the question to a vote of the people."

Which motion prevailed, and the bill so recommitted.

Mr. Trusler submitted the following report :

MR. SPEAKER :

I am directed by the majority of the Committee on Corporations to report back House Bill No. 214, introduced by Mr. Clark of Hamilton, providing for an amendment of section 50 of an act for the incorporation of towns, etc., with the following amendment, to wit: Amend the title so as to read as follows, viz.: An act to amend section 50 of an act entitled, "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852," also, that in line twelve, page one, immediately succeeding the words "to wit" add the words "section L," and with these amendments we recommend that it pass.

Which report was concurred in, and the bill ordered engrossed.

Mr. Keightly submitted the following report :

MR. SPEAKER :

Your Committee on Cities and towns, to whom was referred House Bill No. 232, an act to amend section 53, of an act entitled, "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, and prescribing the powers and rights and the manner in which they shall exercise the same, regulating such other matters as properly pertain thereto, approved March 14, 1867, and declaring an emergency," report said bill back to the House, and ask that said bill be substituted for House Bill No. 223, and recommend that said substituted bill be passed and original House Bill No. 223 be laid on the table.

Which was concurred in.

House Bill No. 347, reported by the Committee on Cities and Towns as a substitute for House Bill No. 223. An act to amend section fifty-three of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, and prescribing the powers and rights, and the manner in which they shall exercise the same, and

regulating such other matters as properly pertain thereto," approved March 14, 1867, and declaring an emergency.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section fifty-three of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, and prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, be and the same is hereby amended to read as follows, to wit :

They shall have the management and control of the finances of the city, and all property, real and personal, belonging thereto, and shall have the additional power herein permitted, and may make and publish by-laws and ordinances necessary to enforce the same.

The Common Council shall have the power to enforce ordinances.

First—To regulate or prohibit the use of hand organs, or instruments of any annoying character, or other music of itinerant performers in the streets, lanes, alleys, or public places of the city.

Second—To fill up or drain any lot, or parcel of ground, within such city, or within two miles thereof, whenever water has, or may, become so stagnant and noxious as to be, in the opinion of such counsel, a nuisance, and injurious to the health or comfort of such city, or any part thereof, at the expense of the owners thereof, under such reasonable regulations as the common council shall prescribe. *Provided, however,* That not to exceed ten per cent. of the value of such lot, or land as the same, is valued and assessed upon the tax duplicate for city purposes, shall be expended in filling up or draining the same in any one year.

Third—To prevent, or regulate, the use of fire-arms, fire-works, or other things, or practice, tending to endanger persons or property.

Fourth—To direct the location of tallow chandleries, soap factories, and other buildings or structures, and to prohibit the erection of such buildings, or the continuance of noxious trades or business therein, whenever the health or welfare of the city shall require the same, and for that purpose shall have jurisdiction two miles in every direction from the city limits.



Fifth—To establish cemeteries, or burial places, within or without such city, and to provide for the sanctity of the dead, and to prohibit interments, except in cemeteries heretofore established by law.

Sixth—To establish quarantine regulations.

Seventh—To preserve peace and good order, prevent vice and immorality, and quell riots and disorderly assemblages.

Eighth—To establish and regulate the police of the city, and may, in their discretion, authorize a mayor, or a board of police, to be selected by the common council to make all appointments of officers and members of such police, and give such mayor, or board of police, full power to remove from office any officer or member of such for neglect of duty, or for other good causes.

Ninth—To suppress gaming and gaming houses, and houses of ill-fame, to prohibit and destroy instruments and devices of gaming, and restrain fraudulent practices within the said city.

Tenth—To compel the occupants of any building or out-house, situate upon any real estate in such city, that is filthy or unwholesome, to abate or cleanse the same, and to clean the streets and alleys adjoining such property.

Eleventh—To direct the location of markets, or slaughter houses, or powder magazines, and to regulate the same, and for that purpose shall have jurisdiction for two miles in all directions from the city limits.

Twelfth—To regulate the use of coaches, hacks, drays, and other vehicles for the transportation of passengers, freight, or other articles, to or from points within the city, for hire or pay.

Thirteenth—To regulate and license all inns, taverns, or other places used or kept for public entertainments, also all shops or other places kept for the sale of articles to be used in and upon the premises.

Fourteenth—To regulate and restrain all tables, alleys, machines, devices, or places of any kind for sports or games, kept for hire or pay, or to prohibit the use of the same, as aforesaid, if deemed expedient, without a license being first obtained therefor, and if deemed necessary to preserve peace, good order, and morality, to

prohibit the use of the same as aforesaid, by the infliction of such penalties as this act will permit, to be provided for by ordinance.

Fifteenth—To regulate and restrain all theatrical and other exhibitions, and public shows for which money is demanded or received, and if deemed expedient to prohibit the same, without a license having been first obtained therefor.

Sixteenth—It is expressly provided that lectures on scientific, historic, benevolent, or literary subjects, and the apparatus for the elucidation of the same, and specimens of fine art, shall not be deemed within the provisions of this act.

Seventeenth—To prevent immoderate riding or driving, and cause the person guilty of the same to be stopped thereat by any officer of said city.

Eighteenth—To prevent the encumbering of streets, squares, sidewalks and crossings, with vehicles or any other substance or materials, whatever, interfering with the free use of the same.

Nineteenth—To regulate the time and place of bathing in the rivers or public waters of said city.

Twentieth—To restrain and punish vagrants, mendicants, street beggars, common prostitutes and their associates.

Twenty-first—To regulate and prohibit the running at large of cattle, horses, swine, fowls and other animals, and to provide for the impounding, keeping, sale and redemption of the same when found, in violation of the ordinance in such case provided.

Twenty-second—To prevent the deposit of any unwholesome substance within the city limits, and punish persons guilty of the same, to remove or destroy putrid animals, or vegetable matter. The Common Council shall have the right to collect the expense of removing any such unwholesome substance, putrid animal, or vegetable matter, from the person found guilty of a violation of the provisions of the ordinance of such city in relation thereto, with ten per cent. damages thereon and costs of suit therein if the person occupying the premises fail to do so, upon notice given, the Common Council shall have the power to remove such putrid animal or vegetable matter.

Twenty-third—To regulate the ringing of bells and crying of goods and to restrain hawking and peddling.

Twenty-fourth—To remove or confine persons having infectious or pestilential diseases.

Twenty-fifth—To regulate the keeping of Bills of Mortality and to provide penalties for the neglect of any person in violation of the same.

Twenty-sixth—To construct and establish works for furnishing the city with wholesome water, and for the purposes of drainage of such city may go beyond the city limits and condemn lands and materials, exercise full jurisdiction, and all the necessary power therefor, or the Common Council may authorize any incorporated company or association to construct such works, and in such case the city may become part stockholder in any such company or association.

Twenty-seventh—To establish and regulate public pounds.

Twenty-eighth—To construct and establish gas works, or to regulate the establishment thereof by individuals or companies, or to regulate the lighting of streets, public grounds and buildings, and to provide by ordinance what part if any of the expense of lighting any street or alley shall be paid by the owners of lots fronting thereon, and in what manner the same shall be assessed and collected, and to make the same a lien on real estate.

Twenty-ninth—To regulate the management of all public property, markets and market spaces, and sales of meat, fish and vegetables, to prevent by ordinance the offense of regrating and forestalling, to appoint market-masters and invest him with power to make arrests for the violation of city ordinances in their views, and to make councilmen and all other city officers conservators of the peace within such city, with power to arrest in like manner.

Thirtieth—To regulate and protect fire engines, hose, hook and ladders.

Thirty-first—To regulate the selling, weighing and measuring of hay, wood and coal and other articles.

Thirty-Second—To organize a board of public improvement, and empower such board to grant permits to build houses or additions thereto, and prevent the erection of wooden buildings in such parts of the city as the common council may determine, to condemn any building or structure, liable to fall and endanger life or property,

and provide for the removal and taking down of the same, to take from all persons to whom such permits is granted or with whom the city shall contract for any improvement liable to endanger persons or property, a bond with sufficient surety, conditioned the owners or contractors shall pay all damages that may be sustained by any person or persons by reason of any carelessness or negligence in the manner of making such improvements, and property from injury thereby.

Thirty-third—To erect and establish market houses and market places, engine houses, houses of refuge, pest houses and hospitals.

Thirty-fourth—To establish and construct wharves, docks, piers, and basins, and to regulate landing places, and fix the rates of landing, wharfage, and dockage on all public grounds belonging to such city. All claims for landing, wharfage and dockage accruing, shall be a lien upon the boat, vessel, or water craft contracting the same, and after a demand made by the wharf master, or the owner, or master, clerk or consignee thereof, and refusal of payment, may be enforced by attachment before the mayor of said city, where the amount does not exceed one hundred dollars, in the same manner and to the same extent that liens on boats and other water crafts are now enforced under the general laws of this State, and all the proceedings shall be conformable as far as practicable, and the common council shall have power to compel property owners owning any or parts of lots or lands bordering on any navigable stream, basin or harbor, made so by nature or artificial means, to build and construct sea walls for the protection of the banks thereof, in such manner as the common council by ordinance shall prescribe, provided such navigable water harbor or basin shall have been improved and used therefor, and for landing further up or beyond, and it is deemed necessary to protect the banks of said stream, harbor or basin, along any such lot or parts of a lot, by sea walls, or otherwise, and upon the failure of such property owners to make such sea walls as shall be prescribed by such common council, the common council are hereby empowered to cause such sea walls to be built by contract, let to the lowest bidder, and the cost of constructing the same shall be a lien upon the property bordering upon such harbor, navigable stream, or basin, as deemed benefitted by such improvement, and the lien of the city shall be enforced in the same manner as provided now by law for the enforcement of lien for the improvement of streets and side-

walks, provided that thirty days' notice of the improvement to be made, and the manner thereof, shall be given to resident property owners, by notice served by the city marshal, and by publication in the corporation four weeks to non-resident property owners, provided that the owners of property affected shall have the same remedies by injunction and appeal that is now given by Section seventy-one of the said act hereby amended, and providing further that four weeks' notice, by publication in the corporation newspapers shall be given by the common council of their intention to pass such ordinance.

Thirty-fifth—To establish a Board of Health, and to invest it with the necessary power to attain its object.

Thirty-sixth—To establish stands for hackney coaches, cabs, and omnibusses, to enforce the observance and use thereof, and fix the rate and prices for transporation of persons and property from one part of the city to another.

Thirty-seventh—To regulate or prohibit runners at wharves, steamboat landings, and railroad depots and stations, and other places.

Thirty-eighth—To regulate the sale of all kinds of property at auction, in the streets, stores, shops, or elsewhere in the city, and to license auctioneers and require them to pay a specific sum for license, or to pay a reasonable per cent. on the amount of sales. The terms "auction" and "auctioneer," shall embrace all kinds of sales by outcry, whether to the highest bidder or to the lowest bidder, or at a certain price fixed by the seller.

Thirty-ninth—To regulate the speed of horses, carriages, locomotives, and other vehicles, within the city.

Fortieth—To regulate all bridges, culverts, sewers, canal or draw bridges, and the location thereof, and to maintain, regulate, and collect tolls on any plank road heretofore built and abandoned by the owners, in any such city.

Forty-first—To regulate the building of party wall and partition pences within the limit of said city, and prescribe by ordinance in what proportion the adjoining owners shall bear the expense of the same, and in what manner such expenses shall be levied and collected and defined, the terms upon which partition walls and fences already constructed may be used by adjoining owners.

Forty-second—To regulate the speed of railroad trains through the city, and also to provide by ordinance for security of citizens and others from the running of trains through any city, and to require railroad corporations to observe the same, and also to require such corporation to keep clean the gutters and crossings of the streets along which their railways pass.

Forty-third—To construct and regulate sewers, drains and cisterns and provide for the payment of the cost of constructing the same; to cause the same to be done by contract, given to the best bidder, after advertising to receive proposals therefor; to provide for the estimate of the costs thereof and the assessment of the same upon the owners of such lots and lands as may be benefitted thereby in such equitable proportion as the Common Council may deem just, which estimate shall be a lien upon such lots and lands, and may be enforced by sale of the same in such manner as the Common Council may provide: *Provided, however,* That not to exceed ten per cent. of the value of such lots or lands, as the same is valued and assessed upon the tax duplicate for State and county or city taxes, shall be assessed against such lots or lands in any one year.

Forty-fourth—To erect a prison or prisons within the limits of such city, and it shall be lawful to imprison therein persons convicted of offenses against the laws of such incorporation or for offenses against the penal laws of this State, and also, persons charged with offenses punishable by indictment or presentment temporarily until they can conveniently be removed to the county jails, so far as the same may be applicable; the laws governing county jails shall be the laws of such city prison, and in all cases where the county jails are convenient, may be used for city purposes until a city prison shall be erected.

Forty-fifth—To purchase, hold or convey real estate for the purpose of constructing public buildings thereon, or using the same for public parks or other public purposes, and if designed for a public park, cemeteries, water works, or fairs, such real estate may be purchased and held by such city, although lying without the limits of the incorporation, and such city may, by ordinance, provide for the protection thereof and for the manner in which, and the person by whom, the same may be used and occupied, and any conveyance heretofore made of real estate by any such city for any of the purposes aforesaid, lying without the limits of such city, is hereby legalized and confirmed.

Forty-sixth—To regulate the planting, maintaining and protection of shade trees along the streets and in public grounds, and to compel the owners of lots bordering on any street or part thereof, to plant, maintain and protect such trees, and on failure so to do to cause the same to be done, and the expense thereof shall be a lien on such property, and collected in the same manner as street improvements.

Forty-seventh—The Common Council of any city may upon the petition of a majority of the legal voters of such city, sell any public square or public landing of such city, or part thereof, or convey the same by deed, under the hand of the Mayor, and seal of such city, and any moneys arising from any such sale shall be deposited in the treasury of such city, to be expended in the purchase of any other public square, or public landing and for the improvement of the same.

Forty-eighth—To compel the city School Trustee or Trustees, to make a report to the City Council.

Fifty-ninth—To exempt an amount of real property owned by any resident householder of such city not exceeding three hundred dollars in value from sale for street improvements.

Fiftieth—To punish contempts and contemptuous and disorderly demeanor in the Council room.

Fifty-first—To provide on what terms real estate in such city may be drained by means of service or underdrains over and across other real estate therein.

SEC. 2. Be it further enacted that an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, and prescribing the powers and rights and the manner in which they shall exercise the same, and regulating such other matters as properly pertain thereto," approved March 14, 1867, and declaring an emergency ; approved March 10, 1873, be and the same is hereby repealed.

WHEREAS, An emergency exists for the immediate taking effect of this act, the same is hereby declared to be in force from and after its passage.

Mr. Keightly submitted the following report :

MR. SPEAKER :

Your Committee on Cities and Towns, to whom was referred House Bill No. 265, an act supplemental to an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing the powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, and declaring an emergency, report said bill back to the House with the recommendation that it pass.

Which report was concurred in, and the bill ordered engrossed.

Mr. Keightly submitted the following report :

MR. SPEAKER :

Your Committee on Cities and Towns, to whom was referred House Bill No. 269, an act to legalize the official acts of the Trustees of the town of Booneville, Warrick county, Indiana, report the same back to the House with the recommendation that said bill be passed.

Which was concurred in, and the bill ordered engrossed.

Mr. Keightly submitted the following report :

MR. SPEAKER :

Your Committee on Cities and Towns, to whom was referred House Bill No. 287, an act to amend section eighty-nine of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, and prescribing the powers and rights, and the manner in which they shall exercise the same, and regulating such other matters as properly pertain thereto," approved March 4, 1867, and declaring an emergency, report said bill back to the House with the recommendation that said bill be passed.

Which was concurred in, and the bill ordered engrossed.



The Committee on Cities and Towns made the following report :

MR. SPEAKER :

Your Committee on Cities and Towns, to whom was referred House Bill No. 55, a bill to amend sections twenty-two and fifty-seven of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of officers thereof and declaring their duties," approved June 11, 1852, report said bill back to the House with the following amendments, to-wit :

That in the ninth section of said bill, in the second line, after the "establishment" insert the following : "The terms" auction and auctioneers shall embrace all kinds of sale by outcry whatever, to the highest bidder or to the lowest bidder, or at a certain price fixed by the seller, and, also, in said section nine the following amendment: Strike out all after the word "corporation," and insert in lieu thereof the words "not exceeding the sum of one hundred dollars for such license for the period of one year," and recommend the passage of said bill as so amended.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Keightly submitted the following report :

MR. SPEAKER :

Your Committee on Cities and Towns, to whom was referred House Bill No. 81, "An act to amend section twenty-two of an act entitled 'An act for the incorporation of towns, defining their powers, providing for the election of officers and declaring their duties,'" approved June 11, 1852, report said bill back to the House with the recommendation that said bill be laid on the table.

Which report was concurred in, and the bill so ordered.

Mr. Keightly submitted the following report :

MR. SPEAKER :

Your Committee on Cities and Towns, to whom was referred

House Bill No. 202, "An act regulating the assessment, levy, and collection of taxes by towns, for the payment of interest and principal of bonds issued and for other purposes," report the said bill back to the House with the recommendation that it pass.

Which report was concurred in and the bill ordered engrossed.

Mr. Taylor of Daviess, submitted the following report :

MR. SPEAKER :

Your Committee on Engrossed Bills, to whom was referred House Bills Nos. 89, 156, 185, 190, 203, 219, 225, 228 and 255, report they have carefully compared and examined the Engrossed Bills above mentioned, and find them correctly engrossed.

Which report was concurred in.

Mr. Shaffer, from Select Committee, submitted the following report :

MR. SPEAKER :

The Special Committee, to whom was referred House bill No. 198, legalizing the dissection of human bodies, have had the same under consideration, and would beg leave to recommend that the bill lie on the table.

Which report was concurred in, and bill so ordered.

Mr. Burson submitted the following report :

MR. SPEAKER :

Your Committee on Judiciary, to whom was referred House Bill No. 272, "An act making husbands and wives competent witnesses in all civil and criminal cases when called in behalf of each other, but not as against each other, and repealing all laws or parts of laws conflicting with the provisions of this act," report said bill back to the House with the recommendation that it be laid on the table.

Which report was concurred in, and the bill so ordered.

Mr. Burson submitted the following report :

MR. SPEAKER :

Your Committee on the Organization of Courts, to whom was referred House Bill No. 238, "An act to fix the times of holding Circuit Court in the Fourth Judicial Circuit, and to repeal all laws in conflict therewith," report said bill back to the House with the recommendation that said bill be passed.

Which report was concurred in.

Mr. Davis moved that the bill be considered engrossed and placed on its passage.

Which motion prevailed.

House Bill No. 238, introduced by Mr. Davis, was considered engrossed, read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Cantley, Charters, Clark, Collins, Darnall, Davison, Davis, Edwards, Emerson, Evans, Favorite, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Keightly, Kennedy of Montgomery, Kennedy of Morgan, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Miller of Parke, Miller of Vanderburgh, Montgomery, McCord, McFadden, McMichael, Nash, Osborn, Pyeatt, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Smith, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr. Speaker  
—77.

Mr. Forkner voted in the negative.

So the bill passed.

Mr. Burson made the following report :

MR. SPEAKER :

Your Committee on Judiciary, to whom was referred House Bill No. 271, "An act conferring upon defendants in prosecutions for felony, the right to give evidence in their own behalf, both in denial or extenuation of the charge or charges preferred against them, and requiring juries, in fixing punishment, to take into consideration extenuating as well as aggravating circumstances, and making extreme provocation, by words or action, extenuating circumstances in felonies and misdemeanors, and repealing all laws or parts of laws in conflict with the provisions of this act," report said bill back to the House with the recommendation that it be laid upon the table.

Which report was concurred in, and the bill ordered to lie upon the table.

Mr. Burson, from the Committee on Judiciary, made the following report :

MR. SPEAKER :

Your Committee on Judiciary, to whom was referred House Bill No. 61, "An act to amend the tenth section of an act approved June 9th, 1852, extending the jurisdiction of Justices of the Peace," report said bill back to the House, with the recommendation that it be laid on the table, for the following reason, to-wit: that a bill has already passed the House with similar provisions.

Which report was concurred in, and the bill ordered to lie on the table.

Mr. Martin of Wells, was called to the chair.

Mr. Clark moved to reconsider the vote by which House Bill No. 316 was tabled.

Which motion prevailed.

Mr. Darnall moved the previous question.

Which motion prevailed.

The question then being, shall the vote be reconsidered?

The motion of Mr. Clark prevailed, and House Bill No. 316 was referred, on motion of Mr. Wynn, to the Committee on Claims.

Leave of absence was granted Mr. McCord, until Wednesday next, on account of sickness.

Leave of absence was granted the Committee on Education, until Thursday morning.

Mr. Bellows introduced

House Bill No. 348. An act to amend "an act to provide for the re-imbursement, to certain counties therein named, of certain taxes illegally assessed and collected, for the year 1869, and paid into the State Treasurer, and declaring an emergency," approved March 8, 1873, and declaring an emergency.

Which was read a first time.

Mr. Barney introduced

House Bill No. 349. An act to amend Section one of an act entitled "An act for the encouragement of agriculture," approved February 17, 1852, and declaring an emergency.

Which was read a first time.

Mr. Barney presented a petition on the subject of the fish law.

Which was referred to the Committee on Rights and Privileges.

Mr. Wynn introduced

House Bill No. 350. An act to amend an act entitled "An act to provide for the opening, vacating and change of highways," approved June 17, 1852.

Which was read a first time.

Mr. Speaker presented the claim of Edwin May.

Which was referred to the Committee on Claims.

Mr. Kennedy of Marion, introduced

House Bill No. 351. An act to provide for election of trustees for the benevolent institutions of the State, prescribing duties, etc.

Which was read a first time.

Mr. Miller of Parke, introduced House Bill No. 352. An act to prescribe the manner in which public carriers and their employers shall handle and carry the baggage of passengers, and to prescribe the penalty for violating the provisions of this act, and the manner of enforcing the same.

Which was read a first time.

Mr. Burson introduced House Bill No. 353. An act to provide for the care and custody of statues furnished members of the Legislature by the State, and prescribing the duties of certain officers in relation thereto, and declaring an emergency.

Which was read a first time.

Mr. Burson introduced House Bill No. 354. An act to amend an act to regulate the running at large of stock, etc.

Which was read a first time.

Mr. Shaffer introduced the following joint resolution :

WHEREAS, Under the pension laws soldiers who have been granted pensions since 1869, have only been allowed pensions from the date of their making application for such invalid pension ; therefore,

*Resolved*, That the members of Congress from Indiana, be and are hereby requested to use their influence to secure an amendment to the pension laws so that disabled soldiers of the late war who

have been, or may hereafter be granted pension may draw such pension from date of their discharge from the United States Army.

*Resolved*, That the Governor be and is hereby requested to forward a copy of this resolution to each member of Congress from Indiana.

Which was read a first time.

Mr. Glasgow introduced

House Bill No. 355. A bill to amend the 18th section of an act entitled, "An act concerning the partition of lands."

Which was read a first time.

Mr. Glasgow introduced

House Bill No. 356. A bill to amend section 19 of an act entitled, "An act to provide for the opening, vacating and change of highways."

Which was read a first time.

Mr. Nash moved to take up House Bill No. 267, and refer the same to the Committee on Apportionment.

Which motion prevailed, and the bill was referred accordingly.

Mr. Glasgow introduced

House Bill No. 357. An act to amend sections 8 and 9 of an act entitled, "An act supplementary and amendatory of an act entitled, 'An act to provide for a uniform assessment of property and for the collection and return of taxes thereon,' approved December 21, 1872, defining the duties of certain officers therein named, repealing all laws or parts of laws in conflict therewith, and declaring an emergency."

Which was read a first time.

Mr. Miller of Vanderburgh introduced

House Bill No. 358. An act to amend the fourth and eighth paragraphs of section 7 of an act entitled, "An act to provide for a uniform assessment of property and for the collection and return of taxes thereon."

Which was read a first time.

Mr. Miller of Vanderburgh, introduced

House Bill No. 359. An act requiring persons having charge of steam boilers to procure a license, and providing a penalty.

Which was read a first time.

Mr. Havens introduced

House Bill No. 360. An act regulating appeals from Justices of the Peace and Mayors of cities, and declaring an emergency.

Which was read a first time.

Mr. Havens introduced

House Bill No. 361. An act to amend section ten of act entitled "An act to provide for the erection of a new prison north of the National Road, election of officers therefor, making appropriations, and for the regulation of the same, and declaring an emergency.

Which was read a first time.

Mr. Havens introduced

House Bill No. 362. An act defining the duties of administrators and executors in making reports and settling estates, and declaring the duties of Courts therein, fixing the amount of fees to be allowed administrators, executors, and guardians, and providing for the recovering back of illegal allowances, and declaring an emergency.

Which was read a first time.



Mr. Collins introduced

House Bill No. 363. An act to amend an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.

Which was read a first time.

Mr. Washburn presented a petition on the subject of fees and salaries.

Which was referred to the Committee on Fees and Salaries.

On motion of Mr. Edwards, the House adjourned until to-morrow morning, at 10 o'clock a. m.

DAVID TURPIE,

Speaker.

TUESDAY MORNING.

FEBRUARY 9, 1875, 10 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

The House was opened by prayer by the Rev. Mr. Bradley.

The Journal of yesterday was read in part, and, on motion of Mr. Wynn, the further reading thereof was dispensed with.

Engrossed House Bill No. 89 was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bellows, Brown of Jasper, Burson, Caldwell, Charters, Clark, Collins, Crumpacker, Dale, Darnall, Davison, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heller, Henderson, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Leeper, Lincoln, Martin of Wells, Marvin of Fountain, Megenity, Miller of Vanderburgh, Montgomery, McFadden, McMichael, Nash, Osborn, Pyeatt, Ramsey, Ragan, Reddick, Reeder, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thompson of Henry, Thompson of Marion, Twibill, Walz, Washburn, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr. Speaker—76.

*Those who voted in the negative were,*

Messrs. Brown of Rush, Heighway, Law, Martin of Franklin, Marvin of Boone, Reno, Thomas, Trusler and Waterman—9.

So the bill passed.

The Committee on Engrossed bills made the following report :

MR. SPEAKER:

Your Committee on Engrossed bills, to whom was referred House Bills Nos. 88, 143, 145, 176, 230, 237, 240, 241, 245, 247, 259 and 290, report that they have carefully examined and compared said bills and find them correct.

Which report was concurred in.

Mr. McMichael moved to recommit House Bill No. 244, to Committee on County and Township Business, with instructions as follows :

Amend so as to provide for library for Wood township, Clark

county, destroyed by fire April 8, 1872; and further amend to provide for a library for Penn township, St. Joseph county, Indiana, which was destroyed by fire on September 5, 1872.

Amendment concurred in and bill so recommitted.

Mr. Burson was called to the chair.

Engrossed House Bill No. 85, introduced by Mr. Clark, was read a third time.

Mr. Forkner offered the following amendment :

Recommit to Judiciary Committee with instructions to strike out all referring to jurisdiction in civil cases.

Which amendment was not adopted.

Mr. Forkner moved to lay the bill on the table.

Which motion did not prevail.

Mr. Lanham offered the following amendment :

Amend section one, by inserting "three hundred dollars," instead of "four hundred dollars."

Which was not adopted.

Mr. Davis offered the following amendment :

Re-commit to the Committee on Judiciary, with instructions to inquire as to the constitutional power of the Legislature to confer such powers as this bill does, upon Justices.

Mr. Caldwell moved the previous question.

Which motion prevailed.

The question being, shall the bill be re-committed ?

Which motion did not prevail. So the bill was not re-committed.

Mr. Marvin of Boone, moved the previous question, being on the passage of the bill.

The question now being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Arnold, Brown of Jasper, Brown of Rush, Burson, Cantley, Charters, Clark, Dale, Darnall, Davison, Edwards, Emerson, Fulk, Gilbert, Harris of Wayne, Jackson, Johnson of Carroll, Kennedy of Morgan, Law, Miller of Parke, Montgomery, McFadden, McMichael, Gsborn, Pyeatt, Ragan, Reddick, Reeder, Reno, Ribble, Shaw, Shortridge, Shugart, Smith, Taylor of Daviess, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Waterman, Williams of Lawrence, Woody, and Wynn—44.

*Those who voted in the negative were,*

Messrs. Ames, Barney, Bellows, Caldwell, Collins, Crumpacker, Davis, Evans, Favorite, Forkner, Glasgow, Harper, Havens, Haynes, Highway, Heller, Henderson, Horn, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Lanham, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Vanderburgh, Nash, Pfafflin, Ramsey, Romine, Roseberry, Snyder, Thomas, Washburn, Willett, Williams of Brown and Mr. Speaker—43.

So the bill, for want of a constitutional majority, failed to pass.

On motion of Mr. Arnold, the House adjourned till 2 o'clock this afternoon.

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#### AFTERNOON SESSION.

The House met pursuant to adjournment, the Speaker in the Chair.

Engrossed House Bill No. 97, introduced by Mr. Collins, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bellows, Brown of Jasper, Brown of Rush, Caldwell, Cantley, Clark, Crumpacker, Dale, Darnall, Davis, Edwards, Emerson, Favorite, Fulk, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Haynes, Heighway, Henderson, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Patterson, Pyeatt, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn, and Mr. Speaker—81.

Mr. Horn voting in the negative.

So the bill passed.

Leave of absence was granted Mr. Pate, until Monday, on account of sickness.

Leave of absence was granted Messrs. Caldwell and Marvin of Boone, this afternoon, to visit the Insane Asylum, and examine the books thereof.

Engrossed House Bill No. 103, introduced by Mr. Trusler, was read a third time, and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Cantley, Charters, Clark, Darnall, Emerson, Fulk, Gilbert, Glasgow, Gossman, Harris of Madison, Havens, Hender-  
H. J.—38

son, Johnson of Carroll, Kennedy of Morgan, Law, Leeper, Lincoln, Martin of Franklin, Marvin of Fountain, Miller of Parke, Patterson, Ragan, Reno, Ribble, Romine, Shortridge, Smith, Thompson of Marion, Trusler, Twibill, Washburn and Woody—32.

*Those who voted in the negative were,*

Messrs. Ames, Arnold, Barney, Bellows, Brown of Jasper, Brown, of Rush, Burson, Crumpacker, Dale, Davis, Edwards, Evans, Favorite, Harper, Harris of Wayne, Haynes, Highway, Heller, Horn, Jackson, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Lanham, Martin of Wells, Megenity, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Pyeatt, Pfafflin, Ramsey, Reddick, Reeder, Shaw, Shugart, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Walz, Willett, Williams of Brown, Williams of Lawrence, Wynn and Mr. Speaker—52.

So the bill failed to pass.

Engrossed House Bill No. 106, introduced by Mr. Havens, was read a third time and, on motion of Mr. Forkner, was re-committed to the Committee on Judiciary.

The following message was received from the Senate by the Secretary thereof:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has passed Engrossed House Bill No. 3, entitled "An act to amend Sections 102, 107, 108, 125 and 270," and to repeal Section 276 of an act entitled "An act to provide for a uniform assessment of property and return of taxes thereon," approved December 31, 1872, with the following engrossed amendments thereto, to-wit:

Amend the first sections of the bill by striking out the words "one thousand eight hundred and eighty," in lines 7, 8 and 9, on page 2, and insert in lieu thereof the words "one thousand eight hundred and seventy-five."

Also, amend the first section of the bill by inserting after the word "thereof" in line 4, page 3, the word "Section 2."

Also, amend the first section of the bill by inserting after the word "aforesaid," in line 10, page 5, the words "Section 3."

Also, amend the first section of the bill by inserting after the word "section," in line 11, page 6, the words "Section 4."

Also, amend the first section of the bill by inserting after the word "act," in line 7, page 7, the words "Section 5."

Also, amend the first section of the bill by inserting after the word "assessor," in line 12, page 8, the words "Section 6."

Also, amend the bill by striking out the words "Section 2," in line 1, page 9, and insert in lieu thereof the words "Section 7."

Also, amend the bill by inserting after the section amended, to be Section 7, the following new section :

SEC. 8. The Township Assessors provided for in this act shall receive as compensation for the services therein required of them the sum of two dollars per day, and no more, to be paid to them from the county treasury upon the Auditor's warrant.

Also, amend the bill by striking out the words "Section three," in line twelve, page ten, and inserting in lieu thereof the words "Section 9."

Also, amend the bill by striking out the words "Section 4," in line three, page eleven, and inserting in lieu thereof the words "Section 10."

And said bill, together with said amendments, are herewith transmitted to the House of Representatives.

Engrossed House Bill No. 148, introduced by Mr. Twibill, was read a third time and put upon its passage.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Barney, Brown of Jasper, Brown of Rush, Burson, Cantley, Charters, Clark, Crumpacker, Darnall, Davis, Emerson,

Mr. Havens moved to take up the message from the Senate, amending House Bill No. 3.

Which motion prevailed.

Mr. Walz moved the previous question. The question being, shall the amendments be concurred in?

Which prevailed.

So the bill as amended was passed.

Engrossed House Bill No. 228, introduced by Mr. Burson, was read a third time, and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Arnold, Barney, Bellows, Brown of Jasper, Burson, Cantley, Clark, Collins, Crumpacker, Dale, Darnall, Davis, Edwards, Evans, Forkner, Fulk, Glasgow, Gossman, Harper, Harris of Madison, Haynes, Horn, Jackson, Johnson of Carroll, Keightly, Kennedy of Marion, Kennedy of Montgomery, Martin of Wells, Marvin of Fountain, Megenity, Montgomery, McCord, McFadden, Osborn, Patterson, Pyeatt, Pfafflin, Shaw, Shortridge, Taylor of Daviess, Thompson of Marion, Twibill, Waterman, Willett, Woody, and Mr. Speaker—46.

*Those who voted in the negative were,*

Messrs. Ames, Brown of Rush, Charters, Emerson, Favorite, Gilbert, Harris of Wayne, Heller, Henderson, Johnston of Dearborn, Kennedy of Morgan, Lanham, Leeper, Lincoln, Martin of Franklin, Miller of Parke, Miller of Vanderburgh, Morgan, McMichael, Nash, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shugart, Smith, Snyder, Thomas, Thompson of Henry, Trusler, Washburn, Williams of Brown, Williams of Lawrence, and Wynn—38.

So the bill failed to pass, for want of a constitutional majority.



Engrossed House Bill No. 170, introduced by Mr. Kennedy of Marion, was read a third time, and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Arnold, Barney, Brown of Jasper, Brown of Rush, Burson, Caldwell, Charters, Clark, Crumpacker, Dale, Darnall, Davis, Edwards, Emerson, Evans. Favorite, Forkner, Gilbert, Harper, Harris of Madison, Horn, Johnson of Carroll, Johnson of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Fountain, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Reddick, Reeder, Romine, Roseberry, Shaw, Shortridge, Thomas, Thompson of Marion, Trusler, Walz, Washburn, Willett, Williams of Brown Williams of Lawrence, Wynn and Mr. Speaker—72.

*Those who voted in the negative were,*

Messrs. Bellows, Collins, Fulk, Glasgow, Gossman, Harris of Wayne, Havens, Haynes, Heller, Henderson, Jackson, Lanham, Megenity, Ramsey, Ragan, Reno, Ribble, Shugart, Smith, Snyder, Thompson of Henry, Twibill and Woody—22.

So the bill passed.

Mr. Leeper introduced

House Bill No. 364. An act supplementary to an act entitled, "An act to amend section 53 of an act entitled 'an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, and prescribing their powers and rights and the manner in which they shall exercise the same, and regulating such other matters as properly pertain thereto,' approved March 14, 1867, and declaring an emergency," approved March 10, 1873, and declaring an emergency, defining the terms "auction" and "auctioneer," and providing that auctioneers may be

Mr. Havens moved to take up the message from the Senate, amending House Bill No. 3.

Which motion prevailed.

Mr. Walz moved the previous question. The question being, shall the amendments be concurred in?

Which prevailed.

So the bill as amended was passed.

Engrossed House Bill No. 228, introduced by Mr. Burson, was read a third time, and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Arnold, Barney, Bellows, Brown of Jasper, Burson, Cantley, Clark, Collins, Crumpacker, Dale, Darnall, Davis, Edwards, Evans, Forkner, Fulk, Glasgow, Gossman, Harper, Harris of Madison, Haynes, Horn, Jackson, Johnson of Carroll, Keightly, Kennedy of Marion, Kennedy of Montgomery, Martin of Wells, Marvin of Fountain, Megenity, Montgomery, McCord, McFadden, Osborn, Patterson, Pyeatt, Pfafflin, Shaw, Shortridge, Taylor of Daviess, Thompson of Marion, Twibill, Waterman, Willett, Woody, and Mr. Speaker—46.

*Those who voted in the negative were,*

Messrs. Ames, Brown of Rush, Charters, Emerson, Favorite, Gilbert, Harris of Wayne, Heller, Henderson, Johnston of Dearborn, Kennedy of Morgan, Lanham, Leeper, Lincoln, Martin of Franklin, Miller of Parke, Miller of Vanderburgh, Morgan, McMichael, Nash, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shugart, Smith, Snyder, Thomas, Thompson of Henry, Trusler, Washburn, Williams of Brown, Williams of Lawrence, and Wynn—38.

So the bill failed to pass, for want of a constitutional majority.

Engrossed House Bill No. 170, introduced by Mr. Kennedy of Marion, was read a third time, and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Arnold, Barney, Brown of Jasper, Brown of Rush, Burson, Caldwell, Charters, Clark, Crumpacker, Dale, Darnall, Davis, Edwards, Emerson, Evans. Favorite, Forkner, Gilbert, Harper, Harris of Madison, Horn, Johnson of Carroll, Johnson of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Fountain, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Reddick, Reeder, Romine, Roseberry, Shaw, Shortridge, Thomas, Thompson of Marion, Trusler, Walz, Washburn, Willett, Williams of Brown Williams of Lawrence, Wynn and Mr. Speaker—72.

*Those who voted in the negative were,*

Messrs. Bellows, Collins, Fulk, Glasgow, Gossman, Harris of Wayne, Havens, Haynes, Heller, Henderson, Jackson, Lanham, Megenity, Ramsey, Ragan, Reno, Ribble, Shugart, Smith, Snyder, Thompson of Henry, Twibill and Woody—22.

So the bill passed.

Mr. Leeper introduced

House Bill No. 364. An act supplementary to an act entitled, "An act to amend section 53 of an act entitled 'an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, and prescribing their powers and rights and the manner in which they shall exercise the same, and regulating such other matters as properly pertain thereto,' approved March 14, 1867, and declaring an emergency," approved March 10, 1873, and declaring an emergency, defining the terms "auction" and "auctioneer," and providing that auctioneers may be

required to pay a specific sum for license, and declaring an emergency.

Which was read a first time.

Engrossed House Bill No. 194, introduced by Mr. Crane, was read a third time, and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Barney, Bellows, Brown of Jasper, Burson, Charters, Clark, Collins, Dale, Darnall, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Heller, Henderson, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McMichael, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ragan Reddick, Reeder, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Willett, Williams of Brown, Williams of Lawrence, Woody and Wynn—77.

*Those who voted in the negative were,*

Messrs. Arnold, Brown of Rush, Crumpacker, Horn, Leeper and Reno—6.

So the bill passed.

Mr. Forkner was called to the Chair.

On motion of Mr. Roseberry, House Bill No. 227 was taken from the table, and referred to the Committee on Judiciary.

Mr. Heller introduced

House Bill No. 365. An act authorizing County Commissioners, in certain cases therein named, to issue bonds.

Which was read a first time.

Mr. Heller moved to suspend the rules that the bill may be read a second time.

The question being, shall the rules be suspended?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bellows, Brown of Jasper, Brown of Rush, Burson, Cantley, Charters, Clark, Collins, Crumpacker, Dale, Darnall, Davis, Edwards, Emerson, Evans, Favorite Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburg, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill Walz, Washburn, Willett, Williams of Brown, Williams of Lawrence, Woody and Wynn—87.

No one voting in the negative.

So the rules were suspended.

The bill was read a second time, and referred to the Committee on Judiciary.

Mr. Williams of Brown, introduced

House Bill No. 366. An act to provide for the trial of causes in

the Circuit and Superior Courts in cases in which from any cause whatever the Judge may be incompetent to try the same.

Which was read a first time.

Mr. Crumpacker introduced

House Bill No. 367. An act to legalize the acts of the several Boards of Trustees and the acts of incorporation of the town of Chesterton, in Porter county, Indiana.

Which was read a first time.

Leave of absence was granted Mr. Davison until to-morrow, on account of sickness.

Leave of absence was granted Mr. Crane until to-morrow, on account of sickness.

On motion of Mr. Havens, the House adjourned until to-morrow morning at 10 o'clock.

DAVID TURPIE,  
Speaker.

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### WEDNESDAY MORNING.

FEBRUARY 10, 1875, 10 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

The journal of yesterday was read in part, when on motion of Mr. Leeper, the further reading thereof was dispensed with.

Leave of absence was granted to Messrs. Davison and Davis until 2 o'clock p. m., to-day, and to Mr. Crane until 10 o'clock, a. m. to-morrow, on account of sickness.

The Committee on Judiciary, made the following report :

MR. SPEAKER :

Your Committee on Judiciary to whom was referred House Bill 102, organizing a State Horticultural Society, report that they have had the same under consideration, and recommend that it be laid on the table and the following bill substituted therefor.

Report concurred in, and bill so ordered.

House Bill No. 368, reported by Committee on Judiciary, an act to provide for the incorporation of State, District and County Horticultural Associations, describing their powers, duties and privileges, and matters properly connected therewith, and declaring an emergency.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That associations of persons for horticultural purposes, whether State, district, or county associations, may become incorporated in the manner following :

An association of persons known as a State Horticultural Society may become incorporated by depositing in the office of the Secretary of State, a certified copy of the articles of association, with the name assumed and a description and an impress of the seal adopted by such association.

An association of persons known as a District or County Horticultural Association may become incorporated, by depositing in the office of the Recorder of the county where such association is organized, a statement under the seal of the State Horticultural Association, showing that such District or County Association was organized for horticultural purposes, and is entitled to representation in such State Horticultural Association at its annual and official meetings, and that such district or county association has consented to elect at least one delegate to represent such association in the annual and official meetings of such State Horticultural Society, and at the same time deposit in said office, the name by which said association shall be known, with a description of the seal adopted, which statement so deposited with such Recorder shall be by him recorded in the miscellaneous record, for which he may charge and collect the sum of fifty cents, and thereupon such State, District or County Horti-

cultural Association, by the name they shall assume, shall become bodies corporate and politic, with perpetual succession, and may by such name sue and be sued, contract and be contracted with, plead and be impleaded, and may take, hold and convey real and personal property, and may make all such by-laws, rules and regulations for the government of such association and the management of their affairs and property as to them may seem best, not inconsistent with the laws of this State. Such associations may each purchase, improve or sell, not exceeding at any one time, one hundred acres of land, for the use and purposes of such associations, may erect thereon such building as they may deem proper for the use of such associations, and the improvement of said land.

SEC. 2. It shall be the duty of any State horticultural association organized under the provisions of the first section of this act, to hold at the city of Indianapolis, or some other place in the State to be selected by such association at its preceding meeting, an annual meeting for the purpose of deliberating and consulting as to the wants, prospects and conditions of the horticultural interest of the people of the State, at which meeting the district and county horticultural associations may be represented by at least one or more delegates each, as such State association shall provide for, and such district and county associations shall forward by such representations the report of the condition and prospects of such district or county associations to the State Horticultural Society; and such State Horticultural Society, with such representations all shall be present, may authorize their President and Secretary to make such annual report as they shall direct, to the Governor, to be by him presented to the next General Assembly, which report amongst other things shall state the amount of money received from the State, and other sources, and the disposition of the same, to whom and for what purpose paid, together with a brief summary of the discussions of said society, giving the condition of horticulture, and the recommendations of district and county associations copied from their reports, and a summary of the condition and wants of horticulture throughout the State, with such recommendations as may seem for the interest of horticulture and its encouragement in the State.

SEC. 3. Such State Horticultural Associations having complied with the foregoing provisions, shall be entitled to the occupancy and use of any unappropriated room in the capital or other build-



ing used or occupied by the State, to be designated as the Department of Horticulture, and such Society occupying the same, may deposit therein a library, and such specimens of horticultural industry and representations of the same, with such collection of insect specimens or kinds, as are injurious or beneficial to horticultural products in this State, with such floral specimens and representations as shall be collected by such Associations, all of which articles and such others as such Association shall collect, and deposit in such room as is in this section mentioned, shall, under such regulations as such Society may adopt, be subject to the inspection and examination of the people of this State, and such Society shall hold such until otherwise ordered under rules and regulations to be by them adopted, or the interest of horticulture may require, and may adopt such by-laws for their protection and good order as they may deem necessary, not inconsistent with the laws of the State.

SEC. 4. There being now no law providing for the incorporation and wants of horticulture, an emergency is declared to exist for the immediate taking effect of this law, the same shall therefore be in force from and after its passage.

Which was read a first time.

Mr. Kennedy of Montgomery, made the following report :

MR. SPEAKER :

Your Committee on Judiciary, to whom was referred House Bill No. 136, for the more speedy collection of debts, etc., beg leave to report that they have had the same under consideration, and recommend the indefinite postponement thereof.

Which was concurred in, and the bill so ordered.

Mr. Burson made the following report :

MR. SPEAKER :

The Committee on Judiciary to whom was referred House Bill No. 365, entitled an act to authorize County Commissioners in certain cases therein named, to issue county bonds, have had the

same under consideration, and instructed me to report the same back with a recommendation that it pass.

Which was concurred in, and the bill ordered engrossed.

Mr. Kennedy of Montgomery, submitted the following report :

MR. SPEAKER :

Your Committee on Judiciary, to whom was referred House Bill No. 279, amending Mechanics Lien Law, have had the same under consideration and they beg leave to recommend that the same be laid on the table.

Which was concurred in, and the bill so ordered.

Mr. Kennedy of Montgomery, submitted the following report :

MR. SPEAKER :

Your Committee on Judiciary, to whom was referred House Bill 294, amending the law in regard to Sheriff's sales, beg leave to report that they have had the same under consideration, and that they recommend the passage of the same.

Which report was concurred in, and the bill ordered engrossed.

Mr. Kennedy of Montgomery, submitted the following report :

MR. SPEAKER :

Your Committee on Judiciary, to whom was referred House Bill No. 253, an act authorizing street railways along gravel roads, etc., beg leave to report that they have had the same under consideration, and they recommend that section eight be stricken out, and that the bill when so amended, be passed.

Which report was concurred in, and the bill ordered engrossed.

The following report was made from the Committee on Judiciary :

MR. SPEAKER :

Your Committee on Judiciary, to whom was referred House

Bill No. 186, being act to authorize married women to enter into contracts, etc., have had the same under consideration, and directed me to report said bill back to the House with the recommendation that it be laid upon the table.

Which was concurred in, and the bill so ordered.

The following report was submitted from the Committee on Judiciary :

MR. SPEAKER :

Your Committee on Judiciary, to whom was referred House Bill No. 277, a bill to amend section 16 of an act entitled, "An act concerning promissory notes and bills of exchange," have had the same under consideration, and report the same back with the following amendment: insert in section 1, between the words "holders" and "shall," the word "but," and when so amended, recommend that it pass.

Which report was concurred in, and the bill ordered engrossed.

The following report was made from the Committee on Education :

MR. SPEAKER :

Your Committee on Education, to whom was referred House Bill No. 57, entitled "A bill limiting the powers of Township Trustees in certain cases, providing for advisors in such cases, and prescribing punishment for failing to comply with this act," have had the same under consideration, and have directed that the same be returned to the House, with the recommendation that it lie upon the table.

Which was concurred in, and the bill so ordered.

The following message was received from the Senate, by the Secretary thereof :

MR. SPEAKER :

I am directed by the President of the Senate to inform the House

of Representatives that he has signed Enrolled Joint Resolution No. 3, of the House of Representatives, and the same is herewith returned.

The following report was made from the Committee on Education :

MR. SPEAKER :

Your Committee on Education, to whom was referred the memorial of Job R. Pendleton, asking that the State of Indiana make provision for theological training, etc., have had the same under advisement and have instructed me to make the following report : That the same be returned to the House with the recommendation that it lie upon the table.

Which was concurred in and so ordered.

The following report was made from the Committee on Education :

MR. SPEAKER :

Your Committee on Education, to whom was referred the petition praying for an amendment of the thirteenth section of the school law, approved March 8, 1873, have had the same under consideration, and have directed me to make the following report : That they have examined the same and find it not advisable, and recommend that it be returned to the House and lie upon the table.

Which report was concurred in.

Mr. Keightly, from the Committee on Claims, submitted the following report :

MR. SPEAKER :

Your committee, to whom was referred the communication of his Excellency, Governor Hendricks, accompanied by the claim of Benton county against the State of Indiana, have had the same under careful consideration, and have directed me to make the following report : That the same be returned to the House with the recommendation that it be not allowed.

Which report was concurred in.

The Committee on County and Township Business made the following report :

MR. SPEAKER :

Your Committee on County and Township Business, to whom was referred House Bill No. 23, "An act making it the duty of County Commissioners of the various counties of the State of Indiana, to procure for their respective counties, at the expense thereof, certified copies of the records affecting lands in said counties, from the offices of the Commissioners of the General Land Office of the United States, of the Secretary of State for the State of Indiana, and of the Trustees of the Wabash and Erie Canal, said certified copies to be placed in the Recorder's office, of the several counties, there to be kept in a book form, and consulted in the same manner as other records therein are kept," report said bill back to the House with the recommendation that it pass.

Which report was concurred in, and bill ordered engrossed.

The following report was made from the Committee on Corporations :

MR. SPEAKER :

The majority of the Committee on Corporations, direct me to report back House Bill No. 284, introduced by Mr. Glasgow of Steuben, providing for the incorporation of cemeteries, with the following amendments, to wit: On page two, in line three and four, strike out the words "greater number," and insert in lieu thereof the word "majority."

Also, on same page, in line five, immediately succeeding the word "private," insert "hereafter laid out and recorded or."

On page three, line one, strike out the word "have," and insert, in lieu thereof, the word "be."

On page three, in line three, strike out the word "by," and insert in lieu thereof, the word "under."

On page three, line five, strike out the first phrase "of such petition."

On page four, beginning with the word "every," in line ten, strike out lines ten and eleven, and in line twelve, the words "by the owner thereof," and in lieu thereof, insert the following, to-wit: "Each person owning a lot or lots therein, shall be entitled to cast one vote for each lot so owned by him."

On page six, immediately succeeding line fourteen, insert as follows, to-wit: "*Provided, however,* That the total amount of any such assessments made in any one year, shall not exceed twenty per cent. of the value of the lot or lots assessed, at the time of making such assessment."

And when so amended, we recommend that it do pass.

Which was concurred in, and the bill ordered engrossed.

The following report was made from the Committee on Corporations:

MR. SPEAKER:

The Committee on Corporations herewith report back House Bill No. 278, introduced by Mr. Marvin of Fountain, providing for the amendment of section three of the charter of the Covington Drawbridge Company, and recommend the following amendments thereto, to-wit.

In line four, immediately preceding the first word thereof, ("be"), prefix the words "Section 1."

In line seven, succeeding the word "follows," insert the words "to-wit: Section 3."

In section one, line nine, strike out the word "man," and insert the words "and rider."

In line eighteen, strike out the figure 2, and insert the words "section 2."

And with these amendments, we recommend its passage.

Which was concurred in, and the bill ordered engrossed.

The following report was made from the Committee on Judiciary:

MR. SPEAKER:

The majority of the Committee on Judiciary has directed my to report back to the House, House Bill No. 293, with the following amendments, to-wit: In line eight, page one, strike out the word "Board," and insert in lieu thereof the word "Boards;" on same page, line nine, strike out the words "the county of Lake," and insert in lieu thereof the words "various counties of this State;" "on the same page, in line ten, strike out the words, "to said county," and insert in lieu thereof the words, "to their respective counties;" on same page, in line thirteen, strike out the word "county," and insert in lieu thereof the word "counties;" on same page, in line twelve, strike out the word "Board," and insert in lieu thereof the word "Boards;" in line eighteen, on same page, strike out the word "county," and insert in lieu thereof the word "counties;" on same page, line nineteen, strike out the word "Board," and insert in lieu thereof the word "Boards;" on same page, line twenty-one, strike out the word "Board," and insert in lieu thereof the word "Boards;" and thus amended, the passage of the bill is recommended.

Which was concurred in, and the bill ordered engrossed.

Mr. Martin of Wells, submitted the following report:

MR. SPEAKER:

I am directed by the majority of the Committee on Judiciary to report back House Bill No. 286, providing for, and in regulation of, the alienation of real estate, with the recommendation that the same do lie upon the table, because the legislation therein proposed is deemed inexpedient.

Which report was concurred in.

House Bill No 286, introduced by Mr. Turpie, was reported back by the Committee on Judiciary, with the recommendation that the bill lie on the table.

Which was so ordered.

Mr. Martin of Wells, submitted the following report :

MR. SPEAKER :

I am directed by the majority of the Committee on Judiciary to report back House Bill No. 261, introduced by Mr. Marvin of Fountain, being an act relating to the changing of county boundaries, with the following amendments thereto, to wit :

Strike out all of section four and insert the following in lieu thereof :

SEC. 4. That it shall be the duty of the Board or Boards of Commissioners of said counties or county, if any indebtedness exist in either or both, that the said Boards shall levy from year to year a tax upon the detached territory of such a per centage upon all the taxable property within such district so detached as shall be necessary to liquidate and pay the indebtedness of the county from which such territory was detached, until the said indebtedness be fully paid, which rate per cent. shall not be in excess of that levied upon the county so ordered, and when such assessment shall be made by said Boards it shall be the duty of the Auditor of each of said counties to certify the rate per cent. so levied to the Auditor of the county to which such territory was attached, which Auditor shall place such rate per cent. on the tax duplicate of said county, and it shall be the duty of the Treasurer of said county to collect the same, and upon demand of the Treasurer of the proper county he shall pay over the same as other moneys are paid out.

And thus amended it is recommended that said bill pass.

Which report and amendments were not concurred in.

Mr. Lincoln moved to recommit to Judiciary Committee with the following special instructions :

Amend section one, line sixty-one, by inserting after the word "voters" and before the word "of" the words "of each."

Which motion was laid on the table.

Mr. Darnall moved to reconsider the vote by which Mr. Lincoln's amendment to House Bill No. 261, was tabled.

Which motion prevailed.



Mr. Lanham moved to recommit the bill to the Judiciary Committee, with instructions to insert the amendment offered by Mr. Lincoln.

Which motion prevailed, and the bill so referred.

The following message was received from the Governor :

MR. SPEAKER :

By directions of the Governor, I have the honor to inform the House of Representatives that he has approved and signed enrolled act number 182 entitled an act to amend section 272 and 273 of an act entitled " An act to provide for the uniform assessment of property and for the collection and return of taxes thereon," approved December 21, 1872, and declaring an emergency, and that he has caused the same to be deposited in the office of the Secretary of State.

SAMUEL R. DOWNEY,

Private Secretary.

Also, the following :

By direction of the Governor, I have the honor to transmit his communication "in relation to the condition of the Wabash and Erie Canal, and the legal proceedings touching the same pending in the Circuit Courts of the United States."

A duplicate thereof has been transmitted to the Senate.

SAMUEL R. DOWNEY,

Private Secretary.

The Committee on Judiciary made the following report :

MR. SPEAKER :

The majority of the Committee on Judiciary, report back House Bill No. 285, amending section 354 of the practice act, and recommend its passage.

Which report was concurred in, and the bill ordered engrossed.

The Committee on Judiciary made the following report:

MR. SPEAKER :

The majority of the Committee on Judiciary, report back the petition of twenty-seven citizens of Delaware county, in regard to liabilities of guardians, accompanied by the following bill.

Which report was concurred in.

Mr. Martin of Wells, introduced

House Bill No. 369. Providing for the making the penalty of any guardian's bond a lien upon the realty of the guardian and sureties.

Which was read a first time.

Mr. Martin of Wells, submitted the following report :

MR. SPEAKER :

The majority of the Committee on Judiciary have directed me to report back House Bill No. 276, introduced by Mr. Kennedy of Morgan, regulating the interest on judgments, and ask the House to take action thereon without any recommendation from the Committee.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Osborn submitted the following report:

MR. SPEAKER :

Your Committee on Federal Relations, to whom was referred Joint Resolution No. 4, report that said resolution was adopted and that it be returned to House with the recommendation that it pass.

Which report was not concurred in.

Mr. Forkner moved to strike out of the preamble, from line 16 to 21 inclusive.

Mr. Burson moved the previous question.

The question being upon the amendment offered by Mr. Forkner,

Messrs. Havens and Bellows demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Ames, Brown of Jasper, Brown of Rush, Burson, Charters, Clark, Collins, Crumpacker, Dale, Darnall, Evans, Favorite, Forkner, Fulk, Glasgow, Harper, Harris of Wayne, Heighway, Henderson, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Leeper, Lincoln, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, Pfafflin, Ragan, Reeder, Reno, Ribble, Roseberry, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Walz, Washburn, Williams of Lawrence, Woody and Wynn—52.

*Those who voted in the negative were,*

Messrs. Arnold, Barney, Bellows, Caldwell, Cantley, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller, Horn, Johnson of Dearborn, Keightley, Kennedy of Marion, Law, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Meginity, McMichael, Nash, Osborn, Patterson, Pyeatt, Ramsey, Reddick, Romine, Shaw, Thompson of Marion, Waterman, Willett, Williams of Brown, Mr. Speaker—35.

So the resolution and amendment were adopted.

The following report was made from the Committee on Insurance:

MR. SPEAKER:

Your Committee on Insurance Companies, to whom was referred House Bill No. 340, in relation to Mutual Aid and Relief Associa-

tions, introduced by Mr. Anderson, have had the same under consideration, and have directed me to report said bill back to the House with the recommendation that it do pass.

Which was concurred in, and the bill ordered engrossed.

Mr. Martin of Wells was called to the chair.

Mr. Heller introduced

House Bill No. 370. An act to repeal Section two of an act entitled "An act defining certain misdemeanors," etc., and declaring an emergency.

Which was read a first time.

Mr. Williams of Brown, introduced

House Bill No. 371. An act to repeal Section 132 of an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved December 21, 1872, and declaring an emergency.

Which was read a first time.

Mr. Marvin of Boone, presented a petition on the subject of fees and salaries.

Which was referred to the Committee on Fees and Salaries.

Mr. Johnson of Carroll, introduced

House Bill No. 372. An act to amend section 9 of an act entitled, "An act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865, and adding supplemental sections thereto.

Which was read a first time.

Mr. Bellows introduced

House Bill No. 373. An act supplemental to and amendatory of an act entitled, "An act authorizing the assessment of lands for plank, macadamized, and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject," approved March 11, 1867, the above entitled act having been approved May 14, 1869, and repealing so much of said acts as affect such companies not organized at the taking effect of this act.

Which was read a first time.

Mr. Bellows presented a petition on the subject of County Superintendency.

Which was referred to the Committee on Education.

Mr. Caldwell presented a petition on the subject of fees and salaries.

Which was referred to the Committee on Fees and Salaries.

Mr. Montgomery presented a petition on the subject of Township Trustees.

Which was referred to the Committee on County and Township Business.

Mr. Fulk presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Snyder presented a petition on the subject of fish law.

Which was referred to the Committee on Rights and Privileges.

Mr. Darnall introduced

House Bill No. 374. An act to provide the manner of making settlement between Auditors and Treasurers for collection of taxes, of adding penalties to delinquent taxes, and declaring an emergency.

Which was read a first time.

Mr. Darnall introduced

House Bill No. 375. An act to amend section 10 of an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases.

Which was read a first time.

Mr. Darnall introduced

House Bill No. 376. An act to amend section 3 of an act entitled, "An act prescribing the powers and duties of Justices of the Peace in State prosecutions," approved May 29, 1852.

Which was read a first time.

Mr. Clark introduced

House Bill No. 377. An act to amend the one hundred and thirty-fifth section of an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of of taxes thereon," approved December 21, 1872, and adding a supplemental section.

Which was read a first time.

Mr. Willett offered the following resolution :

*Resolved*, That the Committee on Railroads be instructed to report back House Bill No. 304 for the consideration of the House, on or before Friday at 2 o'clock.

Messrs. Willett and Harper demanded the ayes and noes.

The question being on the indefinite postponement of the resolution.

Pending which, on motion of Mr. Forkner, the House adjourned until 2 o'clock p. m.

## AFTERNOON SESSION.

The House met pursuant to adjournment, the Speaker in the Chair.

The House resumed the consideration of the resolution offered by Mr. Willet, pending which the House adjourned this morning.

Mr. Havens moved to indefinitely postpone the resolution.

Mr. Darnall moved to lay Mr. Havens motion on the table.

Messrs. Willett and Lanham demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Collins, Darnall, Havens, Haynes, Lincoln, Miller of Vanderburgh, Patterson, Pyeatt, Reddick, Ribble, Roseberry, Shaw, Thompson of Henry, Washburn, Woody, Wynn and Mr. Speaker—17.

*Those who voted in the negative were,*

Messrs. Ames, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Crum-packer, Dale, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Harris of Wayne, Heighway, Heller, Henderson, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, Morgan, McCord, McFadden, McMichael, Osborn, Pfafflin, Ramsey, Ragan, Reeder, Reno, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Trusler, Twibill, Walz, Waterman, Willett, Williams of Brown and Williams of Lawrence—70.

So the motion did not lie on the table.

The question being on the indefinite postponement of the bill,

The ayes and noes were demanded by Messrs Willett and Harper.

*Those who voted in the affirmative were,*

Messrs. Bellows, Brown of Rush, Cantley, Collins, Darnall, Forkner, Fulk, Harris of Wayne, Havens, Haynes, Heller, Jackson, Kennedy of Morgan, Lincoln, Marvin of Fountain, Miller of Vanderburgh, McMichael, Patterson, Pyeatt, Ramsey, Ragan, Reddick, Ribble, Shortridge, Snyder, Taylor of Daviess, Thompson of Henry, Walz, Washburn, Woody and Wynn—31.

*Those who voted in the negative were,*

Messrs. Ames, Arnold, Barney, Burson, Caldwell, Charters, Clark, Crumpacker, Dale, Edwards, Emerson, Evans, Favorite, Gilbert, Glasgow, Gossman, Harper, Harris of Madison, Heighway, Henderson, Horn, Johnson of Carroll, Johnston of Dearborn, Kennedy of Marion, Kennedy of Montgomery, Lanham, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Megenity, Miller of Parke, Montgomery, Morgan, McCord, McFadden, Osborn, Pfafflin, Reeder, Reno, Roseberry, Shaw, Shugart, Smith, Taylor of Tipton, Thomas, Trusler, Twibill, Waterman, Willett, Williams of Brown, Williams of Lawrence and Mr. Speaker—54.

So the motion to indefinitely postpone did not prevail.

On motion of Mr. Martin of Wells, the said resolution was made the special order for to-morrow morning at 11 o'clock.

Mr. Harper offered the following resolution :

*Resolved*, That the Committee on Railroads be instructed to consider House Bill No. 92, entitled, "An act to compel railroads to fence their tracks," and make their report thereon to-morrow.

Which was adopted.



Mr. Woody introduced

House Bill No. 378. An act to amend section two of an act entitled "An act defining felonies, and prescribing punishment therefor."

Which was read a first time.

Mr. Reno introduced

House Bill No. 379. An act to punish frauds in weighing live stock, hay, coal, grain, fish, flour, iron, or other commodities, or articles of merchandise, and declaring an emergency.

Which was read a first time.

Mr. Miller introduced

House Bill No. 380. An act providing for the election, prescribing the duties, fixing the fees and manner of collecting, and defining the liabilities of County Surveyors, and the appointment of a Surveyor-General, and defining his duties and fees.

Which was read a first time.

Mr. Thomas offered the following resolution :

*Resolved*, That in view of the great loss of time, wasted by this House by adjournments, that it is the sense of this General Assembly that we hold two night sessions in each week until the close of the session.

Which resolution was laid on the table.

Mr. Forkner offered the following resolution :

*Resolved*, That the Committee on Fees and Salaries be instructed to incorporate into the bill they may introduce on the subject of fees and salaries, a provision requiring all county officers to furnish the stationery and fuel used in their respective offices, except record books, at their own expense.

Mr. Harris offered the following amendment :

Amend so as to make attorneys at the bar furnish their own stationery.

Which amendment was adopted.

Mr. Arnold moved the previous question.

Which motion prevailed.

The question being on the adoption of the resolution as amended,

Messrs. Pfafflin, and Miller of Parke, demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Arnold, Barney, Brown of Rush, Burson, Cantley, Charters, Clark, Crumpacker, Darnall, Davis, Edwards, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Henderson, Horn, Jackson, Johnson of Carroll, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Law, Leeper, Lincoln, Martin of Wells, Marvin of Boone, Marvin of Fountain, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Patterson, Pyeatt, Ragan, Reddick, Reeder, Reno, Ribble, Roseberry, Shaw, Shugart, Smith, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn—71.

*Those who voted in the negative were,*

Messrs. Ames, Bellows, Brown of Jasper Caldwell, Collins, Dale, Emerson, Gossman, Johnston of Dearborn, Lanham, Martin of Franklin, Megenity, Pfafflin, Ramsey, Romine, Shortridge, Walz—17.

So the resolution was adopted.

Mr. Forkner introduced

House Bill No. 381. A bill to amend section 3 of an act entitled "An act to authorize cities and towns to negotiate and sell bonds, etc.," approved March 8, 1873.

Which was read a first time.

Mr. Crumpacker presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Morgan presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Henderson introduced

House Bill No. 382. A bill of registry of births, marriages and deaths.

Which was read a first time.

Mr. Glasgow introduced

House Bill No. 383. A bill to amend the sixth section of an act entitled "An act providing for the election or appointment of supervisors of highways and prescribing certain of their duties, and of county and township officers in relation thereto."

Which was read a first time.

Mr. Michael introduced

House Bill No. 384. An act amendatory of an act entitled "An act providing for the protection of fish and repealing all laws in conflict with the same, prescribing penalties for the violation thereof," approved February 22, 1871.

Which was a first time.

Mr. Taylor of Tipton, introduced

House Bill No. 385. An act fixing and regulating the salaries of Auditor, Treasurer and Secretary of State.

Which was read a first time.

Mr. Taylor of Tipton, introduced

House Bill No. 386. An act to amend the eighty-second section of an act entitled an "An act to revise, simplify, and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852.

Which was read a first time.

Mr. Havens introduced

House Bill No. 387. An act to amend section 315 of the act to revise and simplify the practice.

Which was read a first time.

Mr. Havens presented the claim of Butterfield.

Which was referred to the Committee on Claims.

Mr. Dale offered the following resolution :

*Resolved*, That the Committee on Federal Relations be instructed to inquire into the expediency of asking government aid to assist in building certain proposed lines of railroads across this State, to enable the commercial interest of the State to reap the benefits of cheap transportation, which it is believed would result from the construction of said proposed roads, the government having the right to fix the rates both of passenger and freight business. Having the right, also, of free mail transportation over such proposed roads.

Which was referred to the Committee on Federal Relations.

Mr. Woody moved to suspend the order of business and take up Joint Resolution No. 5.

Which motion did not prevail.

Engrossed Senate Bill No. 98 was read a second time and, on motion of Mr. Burson, was referred to the Committee on Judiciary.

Engrossed Senate Bill No. 60 was read a second time and, on motion of Mr. Havens, was referred to the Committee on Judiciary.

Engrossed Senate Bill No. 130 was read a second time and, on motion of Mr. Forkner, was referred to the Committee on Judiciary.

Engrossed Senate Bill No. 199 was read a second time and, on motion of Mr. Collins, was referred to the Committee on Corporations.

Engrossed Senate Bill No. 48 was read a second time and, on motion of Mr. Darnall, was referred to the Committee on Education.

Engrossed Senate Bill No. 155 was read a second time and, on motion of Mr. Darnall, was referred to the Committee on Corporations.

Engrossed Senate Bill No. 137 was read a second time and, on motion of Mr. Burson, was referred to the Committee on Judiciary.

Engrossed Senate Bill No. 21 was read a second time and, on motion of Mr. Wynn, was referred to the Committee on Rights and Privileges.

Engrossed Senate Bill No 81, was read a second time and, motion of Mr. Taylor of Tipton, was referred to the Committee on Banks.

Joint Resolution No. 8, was read a second time and, on motion of Mr. Burson, was referred to the Committee on Federal Relations.

House Bill No. 344, was read a second time and, on motion of Mr. Walz, ordered to be engrossed.

House Bill No. 346, introduced by Mr. Marvin of Boone, was read a second time and, on motion of Mr. Marvin of Boone, was referred to the Committee on Judiciary.

House Bill No. 347, introduced by Mr. Henderson, was read a second time and, on motion of Mr. Leeper, was laid on the table.

House Bill No. 348, introduced by Mr. Bellows, was read a second time and, on motion of Mr. Bellows, was referred to the Committee on County and Township Business.

House Bill No. 349, introduced by Mr. Barney, was read a second time and, on motion of Mr. Barney, was referred to the Committee on Agriculture.

Mr. Leeper submitted the following report :

MR. SPEAKER :

The Committee on Engrossed House Bill No. 365, have compared the same with the original copy thereof and find the same in all respects correctly engrossed.

House Bill No. 350, introduced by Mr. Wynn, was read a second time and, on motion of Mr. Wynn, was referred to the Committee on Roads.

House Bill No. 351, introduced by Mr. Kennedy of Marion, was read a second time and, on motion of Mr. Kennedy of Marion, was referred to the Judiciary Committee.

House Bill 352, introduced by Mr. Miller of Parke, was read a second time and, on motion of Mr. Miller of Parke, was referred to the Committee on the Judiciary.

House Bill No. 353, introduced by Mr. Burson, was read a second time.

Mr. Burson moved that the bill be considered engrossed.

Which motion did not prevail, and on motion of Mr. Woody, the same was referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

House Bill No. 354, introduced by Mr. Burson, was read a second time and, on motion of Mr. Burson, was referred to the Committee on Rights and Privileges.

House Bill No. 355, introduced by Mr. Glasgow, was read a second time and, on motion of Mr. Glasgow, was referred to the Committee on Judiciary.

House Bill No. 356, introduced by Mr. Glasgow, was read a second time and, on motion of Mr. Glasgow, was referred to the Committee on Roads.

House Bill No. 357, introduced by Mr. Glasgow, was read a second time and, on motion of Mr. Glasgow, was referred to the Committee on Ways and Means.

House Bill No. 358, introduced by Mr. Miller of Vanderburgh, was read a second time and, on motion of Mr. Miller of Vanderburgh, was referred to the Committee on County and Township Business.

House Bill No. 359, introduced by Mr. Miller of Vanderburgh, was read a second time and, on motion of Mr. Miller of Vanderburgh, was referred to the Committee on Judiciary.

House Bill No. 360, introduced by Mr. Havens, was read a second time and, on motion of Mr. Havens, was referred to the Committee on Judiciary.

House Bill No. 361, introduced by Mr. Havens, was read a second time and, on motion of Mr. Havens, was referred to the Committee on Fees and Salaries.

House Bill No. 362, introduced by Mr. Havens, was read a second time and, on motion of Mr. Havens, was referred to the Committee on Judiciary.

House Bill No. 363, introduced by Mr. Collins, was read a second time and, on motion of Mr. Collins, was referred to the Committee on County and Township Business.

House Bill No. 364, introduced by Mr. Leeper, was read a second time and, on motion of Mr. Leeper, was referred to the Committee on Judiciary.

The following message was received from the Senate:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed Enrolled Act No. 3 of the House of Representatives, an act to amend Sections 102, 107, 108, 125 and 270, and to repeal Section 276 of an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved December 21, 1872, repealing all laws in conflict herewith, adding supplemental sections to said act, and declaring an emergency, and the same is herewith returned to the House.

House Bill No. 366, introduced by Mr. Williams of Brown, was read a second time and, on motion of Mr. Williams of Brown, was referred to the Committee on Judiciary.

House Bill No. 367, introduced by Mr. Crumpacker, was read a second time, and on motion of Mr. Crumpacker, was referred to the Committee on Corporations.

Mr. Havens moved to reconsider the vote by which House Bill No. 344 was ordered to be engrossed.

Which on motion prevailed.

Mr. Davis offered the following amendment:

*Provided, however,* That nothing in this act contained shall be so construed as to apply to incorporated cities and towns.

Which amendment was adopted.

Joint Resolution No. 5, was read a third time.

Mr. McMichael moved to indefinitely postpone.



Messrs. Kennedy of Montgomery and Crumpacker demanded the ayes and noes.

Mr. Harris of Madison, moved the previous question.

The question being, shall the resolution be indefinitely postponed?

*Those who voted in the affirmative were,*

Messrs. Arnold, Barney, Bellows, Brown of Rush, Burson, Caldwell, Cantley, Davison, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Law, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, McCord, McFadden, McMichael, Nash, Osborn, Patterson, Pyeatt, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Washburn, Waterman, Willett, Williams of Brown, and Mr. Speaker—50.

*Those who voted in the negative were,*

Messrs. Ames, Brown of Jasper, Charters, Clark, Collins, Crumpacker, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Glasgow, Harper, Harris of Wayne, Heighway, Heller, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Leeper, Lincoln, Miller of Vanderburgh, Morgan, Pfafflin, Ragan, Reeder, Ribble, Shortridge, Shugart, Smith, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Walz, Williams of Lawrence, Woody, and Wynn—41.

So the resolution was indefinitely postponed.

Leave of absence was granted the Committee on Prisons, till Tuesday afternoon.

On motion of Mr. Edwards, the House adjourned until 10 o'clock to-morrow morning.

DAVID TURPIE,

Speaker.

## THURSDAY MORNING.

FEBRUARY 11, 1875, 10 O'CLOCK.

The House met pursuant to adjournment, with the Speaker in the chair.

Prayer was offered by the Rev. Dr. Day.

The Journal of yesterday was read in part, when, on motion of Mr. Crumpacker, the further reading of the same was dispensed with.

Mr. Caldwell made the following report :

MR. SPEAKER :

Your Committee on Ways and Means, to whom was referred House Bill No. 321, "An act defining the duties of County and Township Assessors, and County and State Boards of Equalization in certain cases, and prescribing the manner of determining the value of property of incorporated, manufacturing, mining and other incorporated companies, for taxation, and declaring an emergency," have instructed me to report the same back to the House with the recommendation that said bill pass.

Which report was concurred in, and the bill ordered engrossed.

Mr. Leeper moved that the bill be considered engrossed and put upon its passage.

Which motion prevailed.

The bill was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anderson, Arnold, Barney, Bellows, Bence, Brown of Jasper, Caldwell, Cantley, Charters, Collins, Crane, Dale, Darnall,

Davison, Davis, Edwards, Emerson, Favorite, Fulk, Gilbert, Glasgow, Gossman, Harris, of Wayne, Havens, Haynes, Highway, Heller, Hopkins, Horn, Jackson, Johnston of Dearborn, Keightly, Kennedy of Montgomery, Leeper, Lincoln, Marvin of Fountain, McMichael, Nash, Pyeatt, Pfafflin, Ragan, Roseberry, Shaffer, Shortridge, Shugart, Snyder, Taylor of Tipton, Trusler, Twibill and Walz—51.

Mr. Megenity asked to be excused from voting.

Granted.

*Those who voted in the negative were,*

Messrs. Brown of Rush, Burson, Clark, Crumpacker, Evans, Forkner, Harris of Madison, Henderson, Johnson of Carroll, Kennedy of Marion, Kennedy of Morgan, Lanham, Law, Martin of Franklin, Martin of Wells, Marvin of Boone, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, Osborn, Patterson, Ramsey, Reddick, Reeder, Reno, Ribble, Romine, Shaw, Smith, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody and Wynn—45.

So the bill passed.

Mr. Thompson made the following report :

Your Committee on Rights and Privileges, to whom was referred House Bill No. 336, has had the same under consideration, and report back said bill with the recommendation that it be indefinitely postponed.

Which report was concurred in, and the bill so ordered.

The following report was made from the Committee on Rights and Privileges :

MR. SPEAKER :

Your Committee on Rights and Privileges, to whom was referred House Bill No. 333, have had the same under consideration, and

and after careful examination instruct me to make the following report :

Amend said bill in Section three, line three, after the word "of," strike out the word "four" and insert "five," and after so amended recommend said bill do pass.

Which was concurred in.

Mr. Nash moved that the bill he considered engrossed and read a third time now.

Which motion prevailed, and the bill read a third time.

Mr. Caldwell moved to recommit the bill with the following amendment:

Amend by inserting \$800 in lieu of \$500.

Mr. Williams of Brown moved to lay the amendment on the table.

Which motion prevailed.

Mr. McMichael moved to indefinitely postpone the bill.

Thereupon Messrs. Burson and Crumpacker called for the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Barney, Caldwell, Davison, Evans, Gilbert, Gossman, Harris of Madison, Havens, Heller, Hopkins, Martin of Franklin, Martin of Wells, Megenity, McMichael, Osborn, Patterson, Walz and Willett—18.

*Those who voted in the negative were,*

Messrs. Ames, Arnold, Anderson, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davis, Edwards, Emerson,

Favorite, Forkner, Fulk, Glasgow, Harper, Harris of Wayne, Haynes, Heighway, Henderson, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Marvin of Boone, Marvin of Fountain, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, Nash, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Washburn, Waterman, Williams of Brown, Williams of Lawrence, Woody and Wynn—78.

So the consideration of the bill was not indefinitely postponed.

Mr. Havens moved to lay the bill upon the table.

Which motion was lost.

Mr. Havens offered the following resolution :

*Resolved*, That the bill be recommitted to the Committee on Fees and Salaries, with instructions to insert "three Directors to each prison, and that their salaries be fixed at \$600 per annum each."

Mr. Burson moved to lay the resolution with instructions on the table.

Whereupon Messrs Horn and Heller demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Charters, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davis, Emerson, Favorite, Forkner, Fulk, Glasgow, Harper, Harris of Wayne, Heighway, Henderson, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Marvin of Boone, Marvin of Fountain, Miller of Parke, Miller of Vanderburgh, Montgomery,

Morgan, McCord, McFadden, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Williams of Brown, Williams of Lawrence, Woody and Wynn—76.

*Those who voted in the negative were,*

Messrs. Barney, Caldwell, Cantley, Davison, Edwards, Evans, Gilbert, Harris of Madison, Havens, Haynes, Heller, Hopkins, Martin of Franklin, Martin of Wells, Megenity, McMichael, Snyder, Waterman and Willett—19.

So the motion to re-commit, with amendment, was laid on the table.

Mr. Havens moved to consider the special order, set for 11 o'clock to-day.

Which motion did not prevail.

Mr. Marvin of Boone, moved the previous question.

Which was carried.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Charters, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davis, Emerson, Favorite, Forkner, Fulk, Glasgow, Harper Harris of Madison, Harris of Wayne, Haynes, Heighway, Henderson, Horn, Jackson, Johnson of Carroll, Johnson of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, Nash,

Osborn, Patterson, Pyeatt, Pfafflin, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody and Wynn—84.

*Those who voted in the negative were,*

Messrs. Barney, Davison, Evans, Gilbert, Gossman, Havens, Heller, Hopkins, McMichael, Ramsey and Snyder—10.

So the bill passed.

The Speaker announced the special order for 11 o'clock to be the consideration of the Resolution introduced yesterday by Mr. Willett.

Mr. Martin of Wells, moved to lay the resolution upon the table.

Which motion was lost.

Mr. Taylor of Tipton, asked for leave of absence for the Committee on Railroads for this afternoon.

Which was granted.

Mr. Willett asked for leave of absence for himself and Mr. Harper this afternoon.

Which was granted.

Mr. Darnall asked for leave of absence for Mr. Woody, on account of important business.

Which was granted.

Mr. Williams of Brown, submitted the following report:

MR. SPEAKER:

Your Committee, to whom was referred House Bill No. 134, entitled an act amending the seventeenth section of "an act provid-

ing for the organization of County Boards, and prescribing some of their powers and duties," approved June 17, 1852; approved March 4, 1869. Report said bill back to the House with the recommendation that said bill lie on the table.

Which report was concurred in, and the bill so ordered.

The following report was made from the Committee on County and Township Business :

MR. SPEAKER :

Your Committee on County and Township Business, to whom was referred House Bill No. 338, entitled an act to amend section four, of an act entitled "An act to establish a home for the maintenance of sick and disabled Indiana Soldiers and Seamen and their Orphans and Widows," approved March 11, 1867. As amended by section one, of an act approved May 14, 1869, have had the same under consideration and directed me to report the same back to the House with the recommendation that it pass.

Which was concurred in, and bill ordered engrossed.

The following report was made from the Committee on County and Township Business :

MR. SPEAKER :

Your Committee on County and Township Business, to whom was referred House Bill No. 330, entitled an act to amend section sixteen of "An act providing for election or appointment of Supervisors of Highways and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859, have had the same under consideration, and directed me to report the same back to the House, with the recommendation that it lie on the table.

Which was concurred in, and the bill so ordered.



The Committee on County and Township Business submitted the following report :

MR. SPEAKER:

Your Committee on County and Township Business, to whom was referred House Bill No. 108, limiting the powers of County Commissioners, instruct me to report said bill back to the House with the recommendation that the same be amended as follows :

Strike out all that portion of the first section, after the word "per cent" in the eight line thereof, and insert in lieu thereof the following : "of the amount of assessment shown by the tax duplicate of such county."

And by striking out the "second and third sections," and substitute the figures "two" for the figure "four" in the number of the fourth section, and when so amended, I am instructed to recommend its passage.

Report concurred in, and the bill ordered engrossed.

The following report was made from the Committee on County and Township Business :

MR. SPEAKER:

Your Committee on County and Township Business, having under consideration House Bill, No. 244, being "An act authorizing the State Superintendent of Public Instruction to purchase libraries for the township of Clark, in Perry county, the township of Penn, in St. Joseph county, Indiana, and making provision for the payment therefor," instruct me to report the same back to the House with the recommendation that it lie upon the table, and report a substitute therefor with the recommendation that the same do pass.

Which was concurred in.

House Bill No. 388, substitute for House Bill No. 244. "An act authorizing the State Superintendent of Public Instruction, with the aid and advice of the State Board of Education, to purchase a

library for the township of Clark, in Perry county, and the township of Wood, in Clark county, and the township of Penn, in St. Joseph county, Indiana, and making provisions for the payment thereof."

WHEREAS, Heretofore, to-wit, on the 15th day of August, 1869, the township libraries of the township of Clark, in said county of Perry, was destroyed by fire; and

WHEREAS, On the 8th day of April, 1872, the township library of the township of Wood, in said county of Clark, was destroyed by fire; and

WHEREAS, On the 5th day of September, 1872, the township library for the township of Penn, in said county of St. Joseph, was destroyed by fire; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the State Superintendent of Public Instruction, with the aid and advice of the State Board of Education be, and he is hereby authorized to purchase a library for the township of Clark, in Perry county; of Wood, in Clark county; and of Penn, in St. Joseph county, Indiana, for the use of the inhabitants of each of said townships respectively; *Provided*, That the amount paid for each of said libraries shall not exceed the value of the libraries respectively at the time of their destruction.

SEC. 2. That the said Superintendent shall, when he has purchased said libraries, forward the same to the proper trustees of each of said townships, and shall file a schedule of the books and the cost thereof, with the Treasurer of State, who shall pay for the same out of any money in the State Treasury not otherwise appropriated.

Which was read a first time.

The following report was made from the Committee on Engrossed Bills:

MR. SPEAKER:

Your Committee on Engrossed Bills have had House Bill No. 340 under consideration, and find the same in all things correctly engrossed.

Which report was concurred in.

The following report was made from the Committee on Judiciary :

MR. SPEAKER :

Your Committee on Judiciary, to whom was referred House Bill No. 227, and also the memorials in favor of said bill—"An act for the relief of Alexander D. Carmichael and others,"—have had the same under consideration, and report the same back to the House with the recommendation that it pass.

Which report was concurred in, and the bill ordered engrossed.

The following report was made from the Committee on Judiciary :

MR. SPEAKER :

Your Committee on Judiciary, to whom was referred House Bill No. 258, have had the same under consideration, and report it back to the House with the recommendation that it pass.

Which report was concurred in, and the bill ordered engrossed.

The following report was made from the Committee on Judiciary :

MR. SPEAKER :

Your Committee on Judiciary, to whom was referred House Bill No. 175, an act to amend section 4 of "an act entitled, 'An act prescribing the number and defining the powers and duties of Constables,'" have had the same under consideration, and direct me to report the same back to the House with the recommendation that it lie on the table.

Which was concurred in, and the bill so ordered.

Mr. Walz moved to take up House Bill No. 245, and put it upon its passage.

Which motion prevailed.

Mr. Waltz moved to recommit, with the following amendments :

Amend section 1, by inserting at the end of the last line of said section the words "either owned by said Society, or leased for a term of years."

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, FEBRUARY 9, 1875.

TO THE GENERAL ASSEMBLY :

On the 19th day of November, 1874, Jonathan K. Gapin, of the State of New York, on behalf of himself and all persons and corporations who are the holders of any of the canal stock, issued by the State of Indiana, in pursuance of the acts authorizing the same, passed in 1846 and 1847, filed his bill in chancery, in the Circuit Court of the United States, for the District of Indiana, against the Board of Trustees of the Wabash and Erie Canal. In his bill of complaint, the complainant alleges that the whole amount now nominally due for principal and interest on the canal stocks, issued pursuant to said laws, is over sixteen million dollars, and that he is the owner and holder of \$575,606 thereof.

The complainant prays that an account may be taken of the amount, and classes, and priorities of the canal stock, issued under said acts of 1846 and 1847, and of the amount now due for principal and interest upon all the classes thereof, and the amount severally due to each of the owners and holders thereof; and also that an account be made of the transactions of the Board of Trustees, showing the receipts and disbursements on account of the trust: and also that a statement and showing be made of the present condition of the trust fund.

The complainant in his bill further prays that the Court shall take into its hands, and administer the Canal and all else in the hands of the Board of Trustees, in trust for the said stockholders, and that when the accounts are fully taken, as prayed for, the Canal and its appurtenances and lands may be decreed to be sold in such manner, and on such terms as the Court may deem best for the interests of those entitled to share in the proceeds thereof.

The complainant's prayer for relief is based upon the important averments that the Board of Trustees of the Wabash and Erie

Canal hold the Canal and its appurtenances in trust, for the benefit of the holders of the said canal stock, and that the State, for divers reasons, has abandoned all her contingent interest in the Canal; that the Canal from Coal Creek to Evansville has been wholly abandoned, and that because of the insolvency of the Board of Trustees, the remaining 186 miles of the Canal is greatly out of repair, and rapidly falling into disuse and ruin; and for the want of means, the Board of Trustees is unable to restore the same to a condition for profitable use, or to prevent its decay; that the holders of the canal stock have no security or pledge therefore, except the said line of Canal, and that the same is rapidly deteriorating in value and becoming worthless to them and to the public; and that if the property be sold by order and decree of the Court, and thus relieved of the disabilities that attach to it under the trust, it may be made the basis of credit, and restored and made valuable to the purchaser and useful to the public, but that under the present management it will become of no value to the public, or to the beneficiaries under the trust.

To that bill of complaint, the Board of Trustees entered an appearance, and on the 23d of December filed a demurrer. The question of the sufficiency of the bill in law and equity, raised by the demurrer, has been argued before the Hon. Thomas Drummond, the judge holding the court. I understand the Court has overruled the demurrer, and thereby held the bill of complaint sufficient in law and equity, and has given the defendant until the first of April to answer upon the facts. The result of the case can hardly be doubtful, as the material facts averred, touching the condition of the Canal, and the inability of the Board to restore and maintain the same in good repair are substantially admitted by the Board of Trustees in their reports.

For your further information, I herewith communicate a copy of the bill of complaint and demurrer.

The report of the Board of Trustees, recently made, indicates the understanding on their part, that their work in the management of the Canal is substantially ended. The State can not properly or safely take charge of it in its present condition, for the reason that the trust technically remains. Aid might be given to keep the Canal in navigable condition, and to supply the needed water power, as under the act of February 14, 1873, or otherwise, but such relief is necessarily temporary and unreliable, and can not put it in

such condition, and under such permanent management as the public interest requires.

Should the cause in court proceed to a final decree, and sale thereon, the property will then be relieved of the trust, and provision can be made for its permanent improvement and maintenance. And should it thus come to be owned by a company organized under law for that purpose, the interests of such company will be in harmony with those of the public. It will then be proper for the Legislature to consider what, if any, aid should be given to the Company by the State, or that portion of the State most directly interested.

If put in good repair and under prudent management, the Canal would be a competitor with the railroads touching its route for business, and would be a powerful check upon high charges for railroad transportation. The railroad companies might seek to defeat such a result. It is possible that they would combine to buy the Canal at the judicial sale for the purpose of controlling it in their interests, or suffering it to fall into decay and disuse. That would be a serious public loss. I am not of the opinion that such a purchase, for such a purpose, would be within the corporate powers of the railroad companies, and the court would probably not confirm such a sale; but I ask your attention to the question whether any legislation is necessary to prevent the possibility of such a result. I have instructed the Attorney General to give the pending cause such attention as the interests of the people of the State may require.

It is not necessary for me to call attention to the importance of any question, or measure, that may possibly affect the continuance or usefulness of the Canal. Public attention has recently been given, with great earnestness to the subject of the cost of transportation. And the opinion has prevailed very extensively, that the improvement and development of lines of water communication from the interior to the seaboard, gives the most reliable assurance of the cheap transportation of heavy and bulky products. At a time when so much interest is expressed in the subject generally, the people of Indiana can not be indifferent to the preservation of a Canal already constructed from the coal region of the State, and through a most productive portion thereof and having a water connection with the lakes.

The Trustees in their reports to the Legislature have twice made the following statement: "There is probably no one route that should attract more attention, or that holds out greater inducements,

or that would do more, if improved, to solve the problem of cheap transportation between the East and the West than the Wabash and Erie Canal, looking at its terminal points at Toledo, at the head of Lake Erie in the East, and Lafayette, Attica and Terre Haute in the valley of the Wabash in the West. The expenditure of a comparatively small sum of money (say \$500,000), would put this Canal, from the one end to the other, in good condition, and thus establish one of the most valuable water lines for the transportation of freight to be found within the United States west of Lake Erie."

THOMAS A. HENDRICKS,

Governor.

(Copy of Certificate.)

DISTRICT OF INDIANA :

I, John D. Howland, Clerk of the Circuit Court of the United States, for the District of Indiana, do hereby certify that the attached papers are true copies of a bill filed in said Court, on the 19th November, 1874, and a demurrer to said bill filed 23d December, 1874, that appearance was duly entered to said bill, that said demurrer was argued before Hon. Thomas Drummond, Judge of said Court, and remains under advisement, and not decided.

Witness my hand and the seal of said Court, this 21st day of January, A. D., 1875.

[SEAL.]

J. D. HOWLAND, Clerk.

DISTRICT OF INDIANA :

I, Samuel H. Treat, Judge of the District Court of the United States for said District, do certify that at the date of the foregoing certificate, John D. Howland was, and now is, the Clerk of the Circuit Court of the United States for said District, and that his attestation aforesaid is in due form of law. .

Witness my hand this 21st day of Janury, 1875.

S. H. TREAT.

(Copy of the Bill.)

United States, District of Indiana :

In the Circuit Court of the United States, District of Indiana :

Jonathan K. Gapin,

*vs.*The Trustees of the Wabash and  
Erie Canal.

In Chancery.

To the Honorable Judge of the Circuit Court of the United States  
for the District of Indiana :

Jonathan K. Gapin, resident in the city of New York, and a citizen of the State of New York, on behalf of himself, and all persons and corporations who are the holders of any of the canal stock issued by the State of Indiana hereinafter specifically mentioned, bring this, her bill, against the Board of Trustees of the Wabash and Erie Canal, a corporation created by and existing under the laws of the State of Indiana, and having her office and place of business in the city of Terre Haute, and State of Indiana, and humbly complaining, your orator shows that at and prior to January, in 1846, the State of Indiana had outstanding and unpaid a large public debt, amounting to many millions of dollars, upon which debt the State was then unable to pay, and had made default to pay, the interest for five years, and the State was, at that time, the owner of a long line of Canal then in course of construction, and part completed; and, also, the owner of many thousand acres of land which had been granted to the State by the United States to aid the State in constructing the Canal hereinafter more particularly mentioned, and the State was unable to complete said Canal, and for the purpose of providing for the payment of the State debt, and for the completion of said Canal, the General Assembly of the State of Indiana passed an act, approved January 19, 1846, entitled, "An Act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville;" and, also, passed another act supplementary to said act, approved January 27, 1847.

By these two acts, taken together, it was provided that such of the holders of the bonds of the State as might choose to do so, might surrender the bond or bonds held by them, and receive in exchange therefor, two new certificates of stock as they were called,



each for one-half of the bond or bonds surrendered, and also receive two other certificates called special stock, each for one-half of the arrears of interest between 1st of January, 1841, and January 1st, 1847, and one of the new certificates of stock so issued, for one-half of the principal of the bond or bonds surrendered, and one of the certificates of special stock for one-half of the arrears of interest as aforesaid should be paid by the State, and the other two certificates, one for one-half of the principal, and one for one-half of the arrears of interest should be chargeable upon, and paid out of the proceeds of said Canal, its lands, tolls and revenues.

And by said Act it is also provided that the bondholders, for the purpose of better securing the payment of that chargeable on the Canal might raise among themselves, by pro rata subscription upon the amount of bonds subscribed by each, the sum of eight hundred thousand dollars, to complete the Wabash and Erie Canal to Evansville, and that the canal lands, and all the tolls and revenues of said canal should be specifically set apart and conveyed to said Trustees, in trust and security, to reimburse to the said subscribers to said \$800,000, their subscriptions and advances to complete the Canal, and to pay that part of the above mentioned stocks which were made chargeable upon the Canal.

Your orator further shows that the defendant was for the purpose of receiving such conveyance, and for other purposes in the aforesaid Act mentioned and provided for, duly constituted under, and in accordance with the authority given by the said Acts, the proper officers of the State of Indiana did issue divers classes of Wabash and Erie Canal stocks, representing in part, one-half of the principal and interest of the bonds surrendered by bondholders as aforesaid, and in part the money subscribed and advanced on account of said \$800,000 to complete the Canal to Evansville, which stocks, as is required by the aforesaid Act of 1847, recite on their face that the Canal, its tolls, etc., are pledged to pay them.

Your orator further shows that on the 30th day of July, 1847, the State being, as aforesaid, the sole owner of said Canal, and of its lands and appurtenances of every kind, did, in accordance with the provisions of said acts, by the Governor of the State, make and execute and deliver to said Trustees, by the corporate name of Board of Trustees of the Wabash and Erie Canal, a deed for the bed of the Wabash and Erie Canal and its extensions, finished and to be finished from the Ohio State line to Evansville, Indiana, including its banks, margins, tow-paths, side-cuts, feeders,

basins, right of way, locks, dams, water powers and structures, and all materials provided or collected for its construction, and all the property, right, title, and interest of the State in and to the same, with all its appurtenances, and also all lands and lots (not then sold or disposed of) which had, at that time, been given, granted or donated by the United States to aid in the construction of said Canal or any part thereof, or which might hereafter be assigned under, or by reason of, any grant then existing; and all moneys then due and becoming due and remaining unpaid on account of any sales before that time made of any Canal lands donated, and all moneys due or becoming due on account of any existing leases of any water power or other privileges on said Canal, its side cuts, feeders, basins, or other appurtenances, to have and hold the same in trust and security for the uses and purposes following, that is to say :

First. In payment of the work and labor and materials, or contracts for the supplying of work, labor or materials, then to be done in and about the further prosecution and construction of said Canal works, until the same might be completed to Evansville.

Secondly. In payment of interest after the rate of six per cent. per annum on sums advanced to the Trustees to complete the Canal.

Thirdly. In payment in full of the principal sums advanced to complete the Canal.

Fourthly. In payment in full to subscribers making the said advances or to their assignees, of interest, at five per cent. on the moiety of the principal of the bonds, which they might surrender and exchange for certificates interest computed from January 1, 1847.

Fifthly. In payment in full to the subscribers, making such advances on their assigns, the principal of the special stock issued to them for arrears of interest as aforesaid, with interest computed from January 1, 1853.

Sixthly. In payment in full to the subscribers, making said advances, or to their assignees of the principal moneys secured by each certificate charged as aforesaid, over against the Canal lands and tolls and revenues.

Seventhly. In payment in full to other holders of certificates of stocks by said act of 1847, directed to be issued and charged against said Canal as aforesaid, (such holders not being subscribers to the said advance,) or their assignees, of interest, at five per cent. per annum.

Eighth. In payment in full of interest in full on special stocks issued for arrears of interest as aforesaid, to holders, or their assignees, who are not subscribers to said advance fund, at five per cent. computed from January 1, 1853.

Ninth. In payment in full of the last named stocks.

Tenth. To pay into the treasury of State any surplus, after making the several payments in the nine preceding classes mentioned.

Your orator further shows, that on the day said deed was made, as aforesaid, the said corporations accepted the same, and went into the possession and dominion of the property by the said deed so conveyed, and thereby become vested with an equitable estate in the property so conveyed, not for the private gain of said corporation, but solely for the purpose of providing payment for the aforesaid script obligations, and for the purpose of completing said Canal, and for the other purposes above mentioned and contained in the aforesaid two acts of the General Assembly of the State of Indiana; and the said corporation, by accepting the said deed, became charged with each and every one of the trusts imposed by the said deed and the said acts.

When the said defendant accepted the legal title to said property, in trust for the benefit of the holders of canal stock, there had been finished 189 miles of the Canal, being the portion between the Ohio State line and Coal Creek; and there remained to be finished by the said defendant, with the means provided by the said acts, 186 miles of said line of Canal, being the portion between Coal Creek and Evansville; and it was in and by said act made the duty of the defendant to adopt and put in execution such plans and measures as should be deemed most expedient for the speedy completion of the Canal to Evansville within the period required by the act and the terms of the grant from the United States.

And your orator shows that the estimated cost of completing the said Canal, at the said date, was about \$2,000,000, and the means provided for such completion was the subscription, or advance recited in the said acts above stated, of about 793,485 acres of lands in the Vincennes district, donated by the United States, be specifically applied to such completion.

About the year 1854, the said defendant had fully completed the said Wabash and Erie Canal to Evansville; and the said work was prosecuted upon land which was conveyed to said defendant, or was by it condemned under the eminent domain powers granted in the

act of January 27, 1836, entitled "An Act to provide for a general system of Internal Improvements," and subsequently vested in the said defendant, and by virtue of which powers, and the said patent from the State, the defendant has held, since 1853, and now holds, the fee simple title to the entire Canal bed for 375 miles, with its tow-paths, feeders, basins, appurtenances, and land grants in trust as aforesaid.

In consequence of inadequate water supply and the destruction, several times repeated, of the reservoirs, or water basins, on the portions of the Canal south of Terre Haute, navigation was but feebly maintained on that part of the Canal for about two years; and about the year 1860, in consequence of such disabilities and the railway competition drawing off the traffic, the defendant, from want of means, was forced to and did abandon all further commerce and business on that portion of the Canal south of Terre Haute; and for about ten years last past the water has been drawn from the bed on that portion, and the same has not been, and cannot be used as a public highway as contemplated in the said Acts, and by the Acts of Congress aforesaid.

The annual five per cent. interest which it was contemplated by the said Acts to liquidate out of the net receipts of said Canal, amount to about the sum of \$350,000, while the highest gross revenue derived from the business of the Canal was in the year 1852, when it reached \$193,400, and in the year 1859 the said defendant, in the official report made by direction of law to the General Assembly, stated its inability to maintain navigation on any portion of the Canal, and that it had made certain repairs and maintainance contracts with divers citizens of the State of Indiana, whereby said citizens agreed to advance their own moneys to the repair and protection of such work, and look to be reimbursed out of the tolls and revenues.

And your orator shows to the Court that the present condition of trust property, as to that portion of the Canal south of Coal Creek, is now and has been for about ten years, practically abandoned, and, for want of water supply, and breaches, and waste, and has been and is, daily waisting and going to destruction; and the portion of the Canal in which navigation is maintained has been mainly kept up by the private advance made by the counties and towns through which it passes; that it is in bad repair and a large amount of expenditures should be made at once to render it convenient and reasonably fit for navigation.

The revenues of the Canal from navigation, have dwindled to a sum which is utterly inadequate to even pay repairs and superintending expenses.

For the entire year of 1871, the gross collections from tolls and water rents being only about \$50,000, and from each year since the receipts have been greatly less than that sum, and are gradually becoming less each year.

The defendant is without means or assets to repair the work or secure any large amount of business in any manner, and the communities which for some time assisted by donations to keep the eastern 186 miles of the Canal open for business, have withdrawn all farther money and donations, and decline to give any aid in keeping the Canal in navigable order, and the defendant will, therefore be wholly unable to keep up navigation on any portion of said Canal, and it will fall into disuse and ruin.

Your orator shows that in and by the report made by the defendant to the General Assembly of 1872, that it appears that the said trust is insolvent, and that the work of completing the extension of said Canal, and in its yearly expenditures for repairs, renewal and superintendence that the entire amount of the grant of lands donated by the United States has been absorbed, and that of the original amount in value of such land grant, there is now only left unsold, lands to the nominal appraised value of about \$50,000, which are, as your orator charges, the refuse of said grant, mainly unsaleable, of little commercial worth, and of no value whatever, to assist in extricating the said defendant from its present embarrassment, or in putting the line of said work in order, so as to answer its purpose as a public highway, because by the restricting and limitations imposed on the said defendant by the said acts of 1846 and 1847, and also by virtue of the restraint of a certain writ of injunction issued out of the Circuit Court of the United States for the District of Indiana, in the year 1860, at the suit of one John Ferguson, the said Board of Trustees of the Wabash and Erie Canal, were prohibited from applying any of the proceeds of lands sold or its assets, other than tolls, to the repair of the Canal, and the said defendant, even if possessed of large means, is prohibited by the terms of said acts, from investing any portion of its funds in the purchase of boats or equipment for use on said Canal, and the development of business and consequent increase of tolls and revenues.

And your orator shows that he is the owner and holder of stocks of the different classes designated by the said Acts, to the aggregate amount, as to the principal thereof, \$575,606. A copy of one of said certificates of stock is filed herewith, and your orator is ready and willing to produce on the hearing or otherwise, as the Court may direct, all such stock certificates. No interest whatever has ever been paid on any of the stock certificates issued under said Act, except those issued to subscribers to the \$800,000 advance, made for the completion of the Canal to Evansville. On this account certain payments have been, from time to time made, but a large amount is still due, even on said advance sum, for the residue of the principal and accrued interest installments. And the whole amount now nominally due for principal and interest, on the Canal stocks of your orator, and other scripholders, amounts to over sixteen millions of dollars, and they have no security or pledge therefor, except the said line of Canal, which is rapidly deteriorating in value and becoming worthless to them and to the public. The holders of said Canal stock are very numerous, and are scattered all over the world, and the most of them reside in England, Holland and Germany, and other foreign countries, and their names are mainly unknown, and in consequence of the fact that the said holders are very numerous, scattered, unknown and foreign residents, the requirements of said Acts, that election of Trustees shall be by a majority in numbers and value of such holders, has become impossible of execution, and so it is that there has not been, for about nine years last past, any election for Trustees as required by the said Act, and the present elective members of the said Board hold over in their office because of the failure and impracticability to hold any new election.

And your orator shows that it was the original design and intent, and the sole object of said original and supplemental Act, to secure and perpetuate an adequate public highway through said State of Indiana, from Evansville to the Ohio State line, and also by the pledge of what was then esteemed a most valuable and rapidly increasing revenue, to provide an adequate security for the payment of one-half of the public debt of the State outstanding in 1846, with the accrued interest on such moiety, together with stated interest thereafter; and that the creation of said trust it was the judgment of all therein concerned that the tolls and revenues of the said Canal, when completed, would be more than sufficient to liquidate, from time to time, as they matured, the installments of interest, and

yield such a surplus as to establish a sinking fund for the benefit of the State, to enable her to extinguish and take up the principal sum represented by said Canal stocks, and the State in and by the said Acts the State reserved an equity of redemption in the said Canal, and the right to annul and determine said trust by a payment of the principal of the certificates at any time after twenty years from the passage of January 27, 1847; but your orator shows that because said Canal by railway competition, casualties and diminished business, has been practically destroyed as a revenue producer, that the State has not exercised the option which was reserved in the said acts; but in the year 1857, by her General Assembly declared, that it was not the purpose of the State to exercise such right of redemption, and in the year 1873, the said State adopted an amendment to the Constitution thereof, by which the General Assembly is expressly prohibited in any manner or at any period from assuming or liquidating any portion of such canal stocks, or taking control of the said canal as a public work of the State.

And your orator shows that it was intended by the said Acts that the General Assembly of the State should, at all times, keep an adequate and satisfactory control over the said trust property and its management, and to that end it was provided that the State should always appoint one member of such Board of Trustees, and should, by certain reports and examinations of designated committees and officers, exercise a supervision over the revenues of said public work in which the State had such residuary interest, as aforesaid; but as it is, that in truth and in fact, although reports have been made from time to time by the defendant to the General Assembly that the Committee of Ways and Means have not, for the past eighteen or twenty years, made any examination or report thereof, nor has the State Auditor, during the period last aforesaid, made any such statement or exhibit of the conditions and workings of said trust fund, as by law required, or kept any account thereof upon the public books of account of State showing its condition, as is by law required, nor has the said State Auditor, for the last eighteen years, made any report to the General Assembly of the condition of the Canal Fund and Canal Lands, nor has the said defendant, from want of means, been able for the past two years to report their transactions to the subscribers half yearly, as ordered by the said Acts.

And your orator shows that in and by the said Acts it is provided that the said stock shall be assignable in New York only in books

provided by the State; that by recent legislation abolishing the State Agency in New York, and making no appropriation or provision for such transfer office, or books or agent, that there is no means now left to the holders to transfer said stock, and that by reason of such matters, that all the provisions of the Acts touching the transfer and re-issue of such stocks has become impossible to execute, and the assignable character of such stocks has been utterly destroyed.

And it is further required in execution of the compact between the State and the United States in that behalf, that when completed to Evansville, the said Canal should be thereafter perpetually maintained to the use of the inhabitants of the State, and all other persons, a public highway, free to the use of all commerce, on the payment of reasonable tolls; and it was also recited in said acts, that the said defendant should, at all times, keep in repair proper bridge structures at public road crossings over the said Canal.

And your orator shows that in consequence of the want of revenue, and its insolvency aforesaid, the said defendant is now, and for the past thirteen years and more has been, disabled and prevented from maintaining such public highway, and such road crossings, to the great damage of your orator and all other holders of such Canal stock, and also of the people of the State; and great risk is hazarded, if such state of affairs continue, that such forfeitures and liability will occur that the entire pledged property will be swept away from the use of your orator and other creditors similarly situated.

Your orator shows, that in and by the said acts the said defendant was given very limited corporate powers, and was hampered by divers conditions and restrictions which, in the present situation of the property, serves to destroy its revenue, and render the attainment of the sole object of the trust wholly impossible; that the said defendant can not mortgage said Canal, and, with the proceeds of the loan, put it in navigable order; nor has it any power to execute notes and borrow money in any other manner for the uses of said property; nor can it use the proceeds of land sales for that purpose; nor can it in any manner be interested in maintaining vessels on said Canal; but has only legal power to act as a mere toll collector on the commerce of others passing through the said work.

And your orator shows, that for the reasons aforesaid the State of Indiana has abandoned and determined all her contingent interest in the said Canal, and Canal funds, so pledged in trust as afore-



said ; and that in consequence of the insolvency of the defendant, and the present abandoned and deteriorating condition of said Canal and appurtenances that the defendant is wholly unable to carry out and effectuate the true design and intent of said act, or to preserve in unimpaired condition the trust fund for the benefit of those entitled ; and the further execution of the trust designed by the said acts has become, so long as the property remains in the custody of the defendant, wholly impossible.

And your orator shows that the actual value of said trust fund is probably at least \$1,500,000, and that if such Canal was owned and managed, unrestricted by the disabilities of such insolvent special trustee as is now the defendant, that it could be improved, repaired and made capable of producing revenue, and then pay a small portion of the debt charged against, and of taxable value to the State, and largely answer the commercial necessities of the region of country traversed by it ; but if suffered to remain longer in its present management and condition, that the whole property will, and must of necessity, become worthless to the pledgers thereof, who will lose their entire demands, and the Canal will no longer be maintainable as a navigable highway ; but will, when so abandoned, become and continue a public nuisance and source of disease to the citizens of the State.

Wherefore, your orator in behalf of himself and of other holders of Canal stock aforesaid, prays that inasmuch as he is without adequate remedy at law and can only have full and complete relief in a court of equity where matters of the kind embraced and charged in this bill are properly cognizable and relievable, that a writ of subpœna in chancery be issued against the defendant, the Board of Trustees of the Wabash and Erie Canal, and that said defendant be required to answer all and each of the allegations and charges in this bill contained, and made as fully as if the same were repeated in the form of interrogatories, and that the defendant answer and show fully and completely the condition of said trust property and particularly as to the matters of which an accounting is hereinafter asked.

And your orator prays that an account may be taken of the amount and classes and priorities of said stocks issued under the aforesaid acts, either original or by way of reissue ; also, of the amount now justly due for principal and interest upon all such classes of stock, and the names of the different holders and the amounts severally due to each ; also, an account of the transactions

of said trust, from its origin until the present time, showing the different receipts and disbursements on account thereof and on what accounts made, and to whom; and what the present condition of said Canal Fund is; and of what the assets of the Canal now consist and in whose hands they now are, and all other matters necessary to truly and fully show and exhibit to this Court, for the benefit of your orator and others for whom this bill is filed, the exact condition of the said trust.

And your orator further prays that the defendant answer and show what lands have been purchased for the use of said Canal, and what land purchased by the Trustees for the use of the Canal; if any have been sold and where situated, and to whom sold and for what price; and also answer and show what lands, if any, heretofore used by the Canal for the purpose of reservoirs, and in (and) about the reservoirs, have been sold during the last five years, and to whom sold and for what price.

And your orator further prays that the said Court shall take into its hands and administer by the hands of one or more sequestrators, to be appointed, the wasting trust estate now in the hand of the insolvent corporation, the defendant, to the end that it may, under such directed orders as the Court may make in accordance with equity practice, be so administered as to preserve and protect it and apply its revenues and rents until such time as a final decree may be enrolled herein.

And when said accounts are taken as herein prayed, your orator further prays that the pledge and appropriation recited in said stock shall be effectuated, and the said Canal, and its appurtenances and lands, may be decreed to be sold in such a manner, and on such terms as the Court may deem best for the interest of those entitled to share in the proceeds thereof, and so as to bring the highest price therefor, and so as to vest title in the purchaser or purchasers thereof, with the right and duty to improve, maintain and operate the same, and receive and enjoy the future tolls and revenues thereof, as full in all respects as the State might originally have done, and on such sale being made, and the proceeds brought into Court, your orator prays that the said fund may be divided among himself and all other holders of said Canal stocks, according as their several ownerships, amount and priorities may be, from time to time established, to the satisfaction of the Court and so decreed.

And your orator prays that any and all persons or corporations owning any of said Canal stock, may be permitted to become a party

plaintiff on petition, and on the usual terms as to contributions to the expense of instituting and carrying forward the proceedings, for common benefit of all holders of said securities.

And your orator prays that the Court will, from time to time, grant all such further and other relief which is not herein specially prayed for, but which may be found necessary to protect and secure the just equities and priorities of your orator and other holders of such stocks, and as the Courts may be competent to award in the premises.

CLAYPOOL, MITCHELL & KETCHAM,

Attorneys for Complainants.

We acknowledge ourselves surety for the payment of cost sum.

SOLOMON CLAYPOOL.

W. F. KETCHAM.

(Copy of the Demurrer.)

United States, District of Indiana :

In the Circuit Court of the United States, District of Indiana,  
of November Term, 1874 :

Jonathan K. Gapin,

*vs.*

The Trustees of the Wabash and  
Erie Canal.

In Chancery.

The demurrer of the "Trustees of the Wabash and Erie Canal," the defendant in the above bill.

The defendant by protestation, not confessing or acknowledging all or any of the things in the said complaint contained to be true, in such manner and form as the same are therein and thereby set forth and obliged, doth demur in law to the said bill, and for cause of demurrer sheweth: That the said complainant hath not by his said bill made such a case as entitles him, in a Court of Equity, to any discovery or relief from or against the defendant, touching the matters contained in said bill or any of such matters.

And for further cause of demurrer shows, that it appears by said bill of complaint that the "State of Indiana," named therein, has a substantial interest in the matters embraced in said bill, and to be

effected by the relief therein sought, and is a necessary and indispensable party to said bill, and to the full and complete determination of said cause, and yet the said State of Indiana is not a party to said bill.

Wherefore, and for divers other good causes of demurrer, appearing in said bill of complaint, this defendant doth demur to said bill and to all matters therein contained, and prays judgment of this honorable Court, etc., and also prays to be hence dismissed with her reasonable costs in their behalf sustained.

McDONALD & BUTLER,

Attorneys for Defendants.

We certify, that in our opinion the above demurrer to the plaintiff's bill of complaint is well founded in point of law.

McDONALD & BUTLER,

Attorneys for Defendants.

UNITED STATES OF AMERICA, }  
DISTRICT OF INDIANA.

Before the Clerk of the United States Circuit Court for the District of Indiana, on this day came Charles Butler, one of the Trustees of the Wabash and Erie Canal, the defendant in the above suit, who, being duly sworn, says on behalf of the defendant, that the above demurrer is not interposed for delay, and further saith not.

CHARLES BUTLER.

Subscribed and sworn this 23d December, 1874, before me.

J. D. HOWLAND, Clerk.

Mr. Leeper moved to lay the message on the table, and that two hundred copies of the same be printed.

Mr. Lanham moved to amend by making it five hundred copies.

Which motion, with amendment, was adopted.

Mr. Horn moved to adjourn.

Which motion did not prevail.

Mr. Kennedy of Marion, moved to suspend the regular order of business, and take up House Bill No. 340 for a second reading.

Which was not agreed to.

Engrossed House Bill No. 365, introduced by Mr. Heller, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anderson, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davison, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Heller, Henderson, Hopkins, Jackson, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, McCord, McFadden, McMichael, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Twibill, Walz, Washburn, Waterman, Willett, Williams of Lawrence and Wynn—83.

*Those who voted in the negative were,*

Messrs. Ames, Charters, Harper Horn, Lanham, Law, Morgan, Ramsey, Trussler and Williams of Brown—10.

So the bill passed.

Mr. Heller moved to change the title so as to read “and declaring an emergency.”

Which was adopted.

On motion of Mr. Shaffer, the House adjourned until 2 o'clock p. m.

## AFTERNOON SESSION.

The House met pursuant to adjournment, the Speaker in the Chair.

Engrossed House Bill No. 230, introduced by Mr. Pfafflin, was read a third time, and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Dale, Darnall, Davison, Edwards, Emerson, Evans, Favorite, Fulk, Gilbert, Glasgow, Harris of Madison, Harris of Wayne, Haynes, Heighway, Heller, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaw, Shaffer, Shortridge, Shugart, Smith, Taylor of Daviess, Thomas, Thompon of Marion, Twibill, Walz, Washburn, Waterman, Williams of Brown, Williams of Lawrence, Wynn and Mr. Speaker—79.

No one voting in the negative.

So the bill passed.

Mr. Kennedy of Montgomery, moved to amend the title by inserting the word "ascertain" in the place of the word "fixed."

Which amendment was adopted.

Engrossed House Bill No. 176, introduced by Mr. Waterman, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crumpacker, Dale, Darnall, Davison, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Gossman, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, Osborn, Pfafflin, Ramsey, Ragan, Reeder, Reno, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Taylor of Daviess, Thomas, Thompson of Marion, Twibill, Walz, Washburn, Waterman, Williams of Brown, Williams of Lawrence, Wynn and Mr. Speaker—78.

*Those who voted in the negative were,*

Messrs. Glasgow, Heller, Martin of Wells, McMichael, Reddick and Romine—6.

So the bill passed.

The Committee on Engrossed Bills, submitted the following report :

MR. SPEAKER :

Your Committee on Engrossed Bills report that they have compared House Bill No. 220 with the original, and find the same correctly engrossed.

Which was concurred in.

Engrossed House Bill No. 220, introduced by Mr. Pfafflin, was read a third time and put upon its passage.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bence, Brown of Jasper, Caldwell, Charters, Clark, Collins, Crumpacker, Davison, Davis, Emerson, Favorite, Forkner, Fulk, Glasgow, Gossman, Harris of Madison, Harris of Wayne, Havens, Haynes, Heller, Hopkins, Johnson of Carroll, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Law, Leeper, Lincoln, Martin of Wells, Marvin of Boone, Marvin of Fountain, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, Nash, Osborn, Pfafflin, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Shaffer, Shaw, Shortridge, Shugart, Smith, Taylor of Daviess, Thompson of Marion, Twibill, Walz, Washburn, Waterman, Williams of Brown, Williams of Lawrence and Wynn—63.

*Those who voted in the negative were,*

Messrs. Anderson, Brown of Rush, Burson, Dale, Darnall, Edwards, Evans, Gilbert, Heighway, Horn, Jackson, Johnston of Dearborn, Lanham, Martin of Franklin, Megenity, Miller of Parke, McMichael, Ramsey, Roseberry, and Thomas—20.

So the bill passed.

Mr. Havens offered the following concurrent resolution :

WHEREAS, The Hon. G. F. Hoar, Wm. P. Fry, W. A. Wheeler, S. S. Marshall and other members of the Congressional Committee on Louisiana Affairs, are in the city on their way to Washington; therefore, be it

*Resolved, by the House of Representatives, the Senate concurring,* That they be invited to visit this Legislature and occupy seats upon the floor of the two houses, and that a committee of two Senators and three members of the House of Representatives be appointed to convey this invitation.

Which was adopted.

Messrs. Havens, Davis and Forkner were appointed for said committee.



Engrossed House Bill No. 231, was read a third time and, on motion of Mr. Pfafflin, was recommitted to the Committee on Organization of Courts.

Engrossed House Bill No. 290, introduced by Mr. Bence, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Dale, Darnall, Davison, Davis, Edwards, Emerson, Favorite, Gilbert, Glasgow, Gossman, Harris of Madison, Harris of Wayne, Haynes, Hopkins, Johnson of Carroll, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, McFadden, McMichael, Nash, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Shaffer, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Marion, Twibill, Walz, Washburn, Waterman, Willett, Williams of Lawrence, Wynn and Mr. Speaker—70.

*Those who voted in the negative were,*

Messrs. Barney, Fulk, Horn, Jackson, Johnston of Dearborn, Marvin of Fountain, McCord, Osborn, Romine, Roseberry and Williams of Brown—11.

So the bill passed.

The following message was received from the Senate :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the following concurrent resolution of the House of Representatives, to-wit :

WHEREAS, The Hon. G. F. Hoar, Wm. P. Fry, W. A. Wheeler,

A. S. Marshall and other members of the Congressional Committee on Louisiana Affairs are in the city, on their way to Washington; therefore, be it

*Resolved by the House of Representatives, the Senate concurring therein,* That they be invited to visit this Legislature and occupy seats upon the floor of the two Houses and that a committee of two Senators and three members of the House of Representatives be appointed to convey this invitation.

And the same is herewith returned to the House, and the Senate has appointed on said committee Senators Scott and Bell.

Mr. Marvin of Boone, asked for leave of absence for the Committee on Scientific and Benevolent Institutions, this afternoon.

Which was granted.

Mr. Collins moved that the House take a recess for ten minutes.

Which was adopted.

Mr. Hopkins asked for leave of absence for the Committee on Public Buildings, until Monday afternoon.

Which was granted.

Engrossed House Bill No. 190, introduced by Mr. Keightly, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bellows, Brown of Jasper, Brown of Rush, Burson, Charters, Clark, Collins, Crumpacker, Dale, Darnall, Davison, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Harper, Harris of Madison, Harris of Wayne, Havens, Haynes, Highway, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Ianham, Lincoln, Martin

of Wells, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, Nash, Osborn, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Marion, Twibill, Walz, Washburn, Waterman, Williams of Brown, Williams of Lawrence and Wynn—74.

*Those who voted in the negative were,*

Messrs. Law and Martin of Franklin—2.

So the bill passed.

Mr. Clark asked for leave of absence for Mr. Johnson of Carroll, this afternoon.

Which was granted.

Engrossed House Bill No. 200, introduced by Mr. Williams of Brown, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bellows, Brown of Jasper, Brown of Rush, Cantley, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davison, Davis, Edwards, Evans, Favorite, Fulk, Gilbert, Glasgow, Gossman, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightley, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McMichael, Nash, Osborn, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Ribble, Romine, Roseberry, Shaffer, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Marion, Twibill, Walz, Washburn, Williams of Brown, Williams of Lawrence and Wynn—72.

*Those who voted in the negative were,*

Messrs. Burson, Law, Shaw and Waterman—4.

So the bill passed.

The following message was received from the Governor:

MR. SPEAKER:

By direction of the Governor, I have the honor to respectfully inform the House of Representatives, that he has approved and signed Enrolled Joint Resolution No. 3, entitled "A Joint Resolution expressing regret for the death of Hon. Milton B. Hopkins."

Also, Enrolled Act No. 3, entitled "An act to amend sections 102, 107, 108, 125 and 270, and to repeal section 276 of an act entitled, 'An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon,' approved December 21st, 1872, repealing all laws in conflict herewith, adding supplemental sections to said act, and declaring an emergency;" and that he has caused the same to be deposited in the office of the Secretary of State.

SAMUEL R. DOWNEY,

Private Secretary.

Also, the following communication was received from the Governor:

MR. SPEAKER:

By direction of the Governor, I have the honor to transmit a communication from His Excellency submitting to the General Assembly two communications made to him relative to the proper representation of the interests of this State at the International Exhibition of 1876.

SAMUEL R. DOWNEY,

Private Secretary.

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, February 11, 1875.

TO THE GENERAL ASSEMBLY :

I have received a communication from the Hon. H. T. Goshorn, Director General, under date January 30, 1875, written in behalf of the United States Centennial Commission, making suggestions in relation to the proper and complete representation of the interests of this State, at the International Exhibition of 1876, and herewith communicate a copy thereof for your consideration.

I also lay before you a communication from Messrs, Porter and Coates, of Philadelphia, addressed to the Governor and the General Assembly of Indiana, making application for authority to make at the cost of the State two steel engravings "representing respectively, the capitol in use at the organization of the State government and the one now occupied, or in process of erection, to be used as illustrating a history of the State to be embodied in a Centennial Memorial Volume."

The cost and character of the work and its supposed advantages to the State are more fully stated in the communication.

THOMAS A. HENDRICKS,  
Governor.

INTERNATIONAL EXHIBITION, 1876.

UNITED STATES CENTENNIAL COMMISSION,  
PHILADELPHIA, January 30, 1875.

TO HIS EXCELLENCY, THOMAS A. HENDRICKS,  
Governor of Indiana :

SIR: In behalf of the United States Centennial Commission, I have the honor to direct your attention to several subjects connected with the International Exhibition of 1876, of great importance to your commonwealth, and for which provisions should be made this year.

It has already become manifest that a large proportion of the articles to be exhibited will be provided for in a creditable manner by the manufacturers and producers of the several States, but there remain a large class of objects, whose collection is essential to a complete representation of the material and social condition of the community, yet which it is not to the interest or within the power of individual to collect. Of this description are the unwrought natural resources of the land, such as its mineral, soils, woods, vegetation, etc. It is so largely upon their wealth in this direction that the growth of States depends, that this department of the Exhibition will be critically studied by those interested in the problems of immigration and of the investment of capital. On merely economical grounds every State would do well to provide liberally for the thorough and exhaustive representation of the actual and possible products of the soil.

Another department that should be inaugurated and prepared under the auspices of the State government, is that which may be termed the historical and statistical. Unless done by official authority, there will not be a complete presentation of such matters as the history of the early settlement of the State, its physical features, climate, geographical position, government, law and punishment of crime, system of State and municipal taxation, revenue and expenditure, benevolent institutions and charities, education, scientific, industrial, commercial, learned and religious societies, agricultural and manufacturing interests, the extent and effects of railroads and other means of transportation, the history and growth in population, and wealth of the State.

All these subjects, among others ought to be represented as to afford a summary view of the history, progress and present condition of every State. Unless this is accomplished the exhibition will seriously fail in that part of its purpose which contemplates a representation of the Nation's growth during the first century of its existence.

Official resources only are adequate to the satisfactory execution of the task thus proposed. It is hoped therefore, that each of the States, either by legislative action or otherwise, will adopt such measures as may be deemed necessary to empower existing organizations or agencies to be created, to prepare an exhibition of its native resources and moral and political advancement as herein indicated. A collective representation of this character will not only be interesting, as illustrating the prosperity of the country, but will also be of

inestimable value for preservation in the archives of the Nation as a correct history of the birth and progress of the several communities that have contributed during the century to the growth and strength of the Union of States. How far your State will participate in these suggestions is a question that I have the honor to most respectfully submit and recommend to your early consideration.

Your obedient servant,

A. T. GOSHORN,  
Director General.

TO HIS EXCELLENCY, THE GOVERNOR,

AND THE GENERAL ASSEMBLY OF INDIANA :

We hereby make application to the State government for authority to make on its account two steel engravings, representing respectively the capital in use at the organization of the State government, and the one now occupied, or in process of erection, to be used as illustrating a history of the State, to be embodied in a Centennial Memorial volume contemplated by us, and in relation to which the following explanation is offered :

It is proposed to prepare a history of the progress of the country in the last hundred years with special reference to the history of each State, and showing the growth of the various arts and industries. It is designed to have the work prepared by competent literary talent, to publish it in 1876, in a handsome quarto volume, and to illustrate it with about one hundred and twenty-five engravings on steel.

The expense of the undertaking will be so great that we can only carry it out with the co-operation of the State governments, our proposition to whom is this: That the State shall have the two plates made for its own use, but allow them to remain in our hands, their safety being guaranteed by us, until used for the proposed volume. After which we will deliver them to the State, and they will be available for embellishing government historical works, or other official publications for many years to come. The two engravings made by us for the Commonwealth of Pennsylvania are specimens of the size and style, and the cost to the State of each plate will be three hundred dollars, which amount is to be paid us on receipt of one hundred proofs. In the event of their being no view

extant of the first capital used, some other historical subject might be substituted.

The importance of such a publication upon the occasion of the Centennial will be apparent, and with the co-operation of the States we hope to be able to issue it at such a price as will insure its wide distribution at home and abroad. It is needless to say that its interests will be greater if there are no State histories unillustrated. We design it to be a great national work; the most extensive ever produced in America; and we propose introducing it in Europe early in the Centennial year. If carried out according to the plan, it will indicate to those abroad as nothing else of the kind could, the growth of a nation in one hundred years. We give the State that for which it pays, viz., the plates, and as before described they will be useful for many years.

It will be noted that the number of steel engravings proposed is very large, comprehending many other subjects than those we desire the States to furnish, and it will take many months to prepare them. We should, therefore, be glad to know the decision of your State in the matter as early as practicable.

Very Respectfully,

Your Obedient Servants,

PORTER & COATES,

822 Chestnut Street,

Philadelphia.

Mr. Havens moved to adjourn.

Which motion was lost.

Mr. Thomas moved to reconsider the resolution of Mr. Forkner in regard to stationery for county officers.

Which motion prevailed.

Mr. Arnold moved the previous question.

Messrs. Forkner and Clark demanded the ayes and noes on the question of reconsideration.



*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Bellows, Burson, Collins, Crumpacker, Dale, Davison, Edwards, Fulk, Glasgow, Gossman, Harris of Madison, Havens, Haynes, Heighway, Horn, Johnson of Carroll, Johnston of Dearborn, Keightley, Kennedy of Marion, Lanham, Law, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, McCord, McMichael, Osborn, Pfafflin, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Shortridge, Snyder, Taylor of Daviess, Thomas, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Wynn—51.

*Those who voted in the negative were,*

Messrs. Barney, Brown of Jasper, Brown of Rush, Cantley, Charters, Clark, Darnall, Davis, Emerson, Evans, Favorite, Forkner, Gilbert, Harper, Harris of Wayne, Hopkins, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Miller of Vanderburgh, Morgan, Nash, Ragan, Reeder, Ribble, Shaffer, Shugart, Smith, Twibill and Williams of Lawrence—33.

So the resolution was reconsidered.

Mr. Crumpacker moved the previous question.

Which motion prevailed.

The motion to refer the resolution to the Committee on Fees and Salaries, was lost.

On motion of Mr. Havens, the House adjourned until to-morrow at 10 o'clock a. m.

DAVID TURPIE,

Speaker.

## FRIDAY MORNING.

FEBRUARY 12, 1875, 10 O'CLOCK.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of yesterday was read in part, when on motion of Mr. Crane, the further reading of the same was dispensed with.

The following communication was received from the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed Engrossed House Bill No. 365, entitled "An act authorizing county commissioners, in certain cases therein named, to issue bonds," and the same is herewith transmitted to the House.

The consideration of the resolution, introduced by Mr. Forkner, pending which the House adjourned yesterday evening, was resumed by the House.

Mr. McMichael moved to lay the resolution on the table.

Messrs. Forkner and Crumacker demanded the ayes and noes.

The question being, shall the resolution lie upon the table?

*Those who voted in the affirmative were,*

Messrs. Arnold, Bence, Brown of Rush, Burson, Caldwell, Collins, Dale, Davison, Edwards, Gossman, Havens, Haynes, Henderson, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Lanham, Law, Martin of Wells, Martin of Franklin, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, McCord, McMichael, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Taylor of Daviess, Thompson of

Marion, Trusler, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—49.

*Those who voted in the negative were,*

Messrs. Ames, Brown of Jasper, Charters, Clark, Crumpacker, Darnall, Favorite, Forkner, Fulk, Harris of Wayne, Heighway, Hopkins, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Marvin of Boone, Miller of Vanderburgh, Morgan, McFadden, Nash, Ragan, Reeder, Ribble, Shortridge, Shugart, Smith, Snyder, Taylor of Tipton, Thompson of Henry, Twibill, Williams of Lawrence and Wynn—33.

So the resolution was laid on the table.

#### SPECIAL ORDER.

The special order being the consideration of House Bill No. 206.

Mr. Burson offered the following amendments:

Amend section 2, as follows: Insert a period after the word "drain," in line eight, and insert the words "said board" before the word "shall" in said line.

And to insert the word "and" after the word "viewers" in line eleven.

Strike out the word "apportioned" at the end of line fifteen, and insert in lieu thereof the words "and shall set apart and apportion."

And after the word "land" in line sixteen, insert the words "a share of said work in proportion to the benefits to be derived by such work."

And strike out all the words after the word "same" in line nineteen, to and to include the word "commissioner]" in line twenty, and insert in lieu thereof the words "and the commissioners shall hear and determine said matter at their next meeting."

Amend section 11, as follows: Strike out all that part of said section 11, after the word "commissions," in line eleven, to and to include the word "work," in the twelfth line of said section.

And to insert after the word "same" in line fourteen, the following words: "Their proportionate share of said costs."

Amend section 12 of said bill, as follows: Strike out all that part of said section, as follows: commencing at the first word in line six, to and include the word "time" in line eight.

Mr. Miller moved that the amendments be adopted.

Which motion did not prevail.

Mr. Forkner moved to recommit the bill to the Judiciary Committee without instructions.

Which motion did not prevail.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crumpacker, Dale, Darnell, Davison, Edwards, Emerson, Favorite, Fulk, Gossman, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightley, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Fountain, Megenity, Miller of Park, Miller of Vanderburgh, Montgomery, McCord, McFadden, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Reagan, Reeder, Reno, Ribble, Roseberry, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Waltz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Wynn and Mr. Speaker—79.

*Those who voted in the negative were,*

Messrs. Forkner, Marvin of Boone, Morgan, McMichael and Reddick—5.

So the bill passed.

Engrossed House Bill No. 145, introduced by Mr. Martin of Wells, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Clark, Crumpacker, Dale, Darnall, Davison, Edwards, Emerson, Favorite, Forkner, Fulk, Harris of Madison, Harris of Wayne, Havens, Haynes, Highway, Henderson, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Wynn and Mr. Speaker—81.

No one voting in the negative.

So the bill passed.

Leave of absence was granted Mr. Emerson until 10 o'clock a. m., Tuesday next.

Engrossed House Bill No. 88, introduced by Mr. Heller, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, H. J.—43

Crumpacker, Dale, Darnall, Davis, Edwards, Emerson, Favorite, Fulk, Gossman, Harris of Madison, Havens, Haynes, Heighway, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Morgan, Lanham, Law, Martin of Wells, Miller of Parke, Miller of Vanderburg, Montgomery, McCord, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Reddick, Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Twibill Washburn, Waterman, Willett, Williams of Brown, Wynn and Mr. Speaker—66.

*Those who voted in the negative were,*

Messrs. Forkner, Kennedy of Montgomery, Lincoln, Martin of Franklin, Marvin of Boone, Marvin of Fountain, Megenity, Morgan, McFadden, McMichael, Ragan, Reeder, Smith, Trusler, Walz and Williams of Lawrence—16.

So the bill passed.

Engrossed House Bill No. 185, introduced by Mr. Johnston of Dearborn, was read a third time and put on its passage.

The question being, shall the bill pass?

Mr. Clark offered the following amendment to House Bill No. 185:

Refer back to the Committee on Judiciary with the following instructions: Amend so as to give Justice of the Peace original exclusive jurisdiction to the amount of three hundred dollars and concurrent jurisdiction to the amount of six hundred dollars, and privilege for the defendant to confess judgment to the amount of one thousand dollars.

Mr. Taylor of Tipton, offered the following amendment to the amendment:

Amend by giving concurrent jurisdiction to the amount of five hundred dollars with the Circuit Court.

Which amendment was laid on the table.

Mr. Walz moved the previous question.

Which was adopted.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Bence, Brown of Jasper, Crumpacker, Forkner, Harris of Wayne, Havens, Johnston of Dearborn, Martin of Franklin, Martin of Wells, Marvin of Fountain, Morgan, McFadden, McMichael, Nash, Roseberry, Shaw, Taylor of Daviess, Walz, Waterman, Willett and Williams of Lawrence—21.

*Those who voted in the negative were,*

Messrs. Ames, Anderson, Arnold, Barney, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Dale, Darnall, Davison, Edwards, Favorite, Fulk, Gossman, Harper, Harris of Madison, Haynes, Heighway, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Keightley, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Lincoln, Marvin of Boone, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, McCord, Osborn, Pyeatt, Pfafflin, Ramsey, Reddick, Reeder, Reno, Ribble, Romine, Shortridge, Shugart, Smith, Snyder, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Washburn, Williams of Brown, Wynn and Mr. Speaker—62.

So the bill failed to pass.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives that the Senate has passed Engrossed Senate Bill No. 151, entitled "A bill to authorize incorporated cities in this State, to construct, extend, widen, deepen, repair and otherwise improve harbors,

and for that purpose to condemn the lands of persons through or adjoining which such harbors may run.

Engrossed Senate Bill No. 15, entitled a bill to amend an act entitled "An act providing for the election and prescribing certain duties of County Surveyors," approved June 17, 1852.

Engrossed Senate Bill No. 141, "Entitled a bill authorizing the sale and conveyance of certain lands belonging to the State of Indiana."

Engrossed Senate Bill No. 72, entitled a bill to amend section 3, of an act entitled "An act to render taxation for common school purposes, uniform; and to provide for the education of the colored children of this State," approved May 16, 1869.

Engrossed Senate Bill No. 106, entitled "A bill to authorize incorporated towns to negotiate and sell bonds to procure means with which to complete unfinished buildings for public purposes, etc."

Engrossed Senate Bill No. 67, entitled "A bill to repeal section fifty-four of an act to authorize and regulate the business of General Banking," approved March 3, 1855.

Engrossed Senate Bill No. 89, entitled "A bill for the organization of camp-meeting associations, and providing for the government thereof."

Engrossed Senate Bill No. 144, entitled "A bill supplemental to an act approved January 21st, 1852, and entitled 'An act authorizing Circuit Courts to change the names of persons and corporations.'"

Engrossed Senate Bill No. 32, entitled "A bill to limit appointments to office in the punitive, reformatory, and benevolent institutions of the State."

Engrossed Senate Bill No. 157, entitled "A bill to amend the 153d section of an act entitled, 'An act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith.'"

Engrossed Senate Bill No. 77, entitled "A bill to provide for the trial of certain causes in which changes of venue are granted."



Engrossed Senate Bill No. 191, entitled "A bill to amend section 51 of an act entitled, 'An act to divide the State into circuits for judicial purposes, etc.,' approved March 6th, 1873."

And the same are herewith transmitted to the House.

Engrossed House Bill No. 229, introduced by Mr. Burson, was read a third time, and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Bearss, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Charters, Clark, Collins, Crumpacker, Dale, Darnall, Davison, Favorite, Forkner, Fulk, Gossman, Harris of Madison, Harris of Wayne, Haynes, Heighway, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Keightly, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Martin of Wells, Marvin of Fountain, Megenity Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Pyeatt, Pfafflin, Ramsay, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Williams of Brown, Williams of Lawrence and Wynn—73.

*Those who voted in the negative were,*

Messrs. Edwards, Johnson of Dearborn, Lincoln, Martin of Franklin, and Marvin of Boone—5.

So the bill passed.

The following message was received from the Senate :

MR. SPEAKER :

I am directed by the President of the Senate to inform the House of Representatives that he has signed enrolled act of the

House No. 365, entitled "An act authorizing the boards of county commissioners to issue bonds in certain cases," etc.

Leave of absence was granted Mr. Harris of Madison, until Monday next at 10 o'clock a. m.

Leave of absence was granted Mr. Heighway until Monday evening at 2 o'clock.

Mr. Willett asked for leave of absence for Mr. Harper until next Tuesday.

Which leave was granted. •

On motion of Mr. Caldwell, the House adjourned until 2 o'clock this afternoon.

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#### AFTERNOON SESSION.

The House met pursuant to adjournment, the Speaker in the chair.

Engrossed House Bill No. 225, introduced by Mr. Ragan, was read a third time and put upon its passage.

Mr. Marvin of Boone, offered the following amendment :

Amend by striking out "one thousand dollars," and insert "five hundred dollars."

Which amendment was adopted.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Barney, Bence, Brown of Jasper, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crumpacker, Dale,

Darnall, Davison, Favorite, Forkner, Fulk, Harris of Wayne, Havens, Haynes, Highway, Henderson, Hopkins, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Martin of Franklin, Marvin of Boone, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, Osborn, Pfafflin, Ragan, Reeder, Ribble, Romine, Shugart, Smith, Snyder, Thomas, Trusler, Twibill, Walz, Waterman, Williams of Lawrence and Mr. Speaker—51.

*Those who voted in the negative were,*

Messrs. Arnold, Brown of Rush, Edwards, Gossman, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Law, Martin of Wells, Megenity, McCord, McFadden, McMichael, Nash, Patterson, Pyeatt, Ramsey, Reddick, Reno, Roseberry, Shaw, Taylor of Daviess, Thompson of Henry, Thompson of Marion, Washburn, Willett and Williams of Brown—28.

So the bill passed.

Mr. Morgan moved to suspend the order of business and take up House Bill No. 330.

Which motion did not prevail.

Engrossed House Bill No. 143, introduced by Mr. Gilbert, was read a third time and put upon its passage.

Mr. Martin of Wells, made the following motion :

MR. SPEAKER :

I move to recommit to the Committee on Ways and Means with instructions to amend the bill by striking out all making the appropriations of \$3,000 from State revenue, and \$10,000 from the school fund.

Mr. Havens moved to lay the motion to recommit with instructions on the table.

Which motion did not prevail.

Mr. Arnold moved the previous question.

Messrs. Havens and Darnall demanded the ayes and noes.

The question being, shall the bill be recommitted?

*Those who voted in the affirmative were,*

Messrs. Arnold, Barney, Brown of Jasper, Brown of Rush, Burson, Collins, Dale, Davison, Edwards, Favorite, Forkner, Fulk, Gossman, Haynes, Heighway, Henderson, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Law, Martin of Franklin, Martin of Wells, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, McCord, McMichael, Nash, Osborn, Patterson, Pyeatt, Ramsey, Reddick, Reeder, Reno, Shaw, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Twibill, Washburn, Waterman, Willett, Williams of Brown and Wynn—50.

*Those who voted in the negative were,*

Messrs. Ames, Anderson, Bence, Caldwell, Cantley, Charters, Clark, Crumpacker, Darnall, Harris of Wayne, Havens, Hopkins, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Marvin of Boone, Miller of Vanderburgh, Morgan, McFadden, Pfaffin, Ragan, Ribble, Roseberry, Shortridge, Shugart, Smith, Trusler, Walz, Williams of Lawrence and Mr. Speaker—32.

So the bill as amended was recommitted.

Engrossed House Bill No. 203, introduced by Mr. Clark, was read a third time, and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmattve were,*

Messrs. Ames, Anderson, Arnold, Barney, Brown of Jasper, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crumpacker, Dale, Darnall, Davison, Edwards, Favorite, Forkner, Fulk, Gossman, Harris of Wayne, Havens,

Heighway, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, Morgan, McCord, McFadden, Nash, Osborne, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Roseberry, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Willett, Williams of Lawrence, Wynn and Mr. Speaker—67.

No one voting in the negative.

So the bill passed.

The question being shall the title as read stand as the title of the bill?

Whereupon Mr. Clark moved to strike out the word "application" in the bill, and inserting in lieu thereof the word "operation," and to amend the title by adding the words "and declaring an emergency."

The amendments were adopted and the title, as amended, was ordered to stand as the title of the bill.

Mr. Smith was granted leave of absence until next Tuesday at 2 o'clock.

Engrossed House Bill No. 255, introduced by Mr. Collins, was read a third time and put upon its passage.

Mr. Havens moved to lay the bill upon the table.

The ayes and noes being demanded,

*Those who voted in the affirmative were,*

Messrs. Bence, Cantley, Crumpacker, Forkner, Gossman, Havens, Haynes, Keightly, Martin of Franklin, Marvin of Boone, Meginity, Waltz, Williams of Brown—13.

*Those who voted in the negative were,*

Messrs. Ames, Anderson, Arnold, Barney, Brown of Jasper, Brown of Rush, Burson, Caldwell, Charters, Clark, Collins, Dale, Darnall, Davison, Edwards, Favorite, Fulk, Harris of Wayne, Heighway, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Kennedy of Montgomery, Kennedy of Morlanham, Law, Lincoln, Martin of Wells, Marvin of Fountain, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Washburn, Waterman, Willett, Williams of Lawrence, Wynn—76.

So the bill did not lay on the table.

Mr. Williams of Brown moved to amend as follows:

Amend by striking out in section ten the words, "*and twenty-five cents.*"

Which amendment was adopted.

The question now being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Brown of Jasper, Brown of Rush, Burson, Caldwell, Charters, Clark, Collins, Crum-packer, Dale, Darnall, Davison, Edwards, Fulk, Harris of Wayne, Heighway, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Kennedy of Montgomery, Kennedy of Morgan, Law, Lincoln, Martin of Wells, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence and Wynn—67.

*Those who voted in the negative were,*

Messrs. Bence, Cantley, Favorite, Forkner, Gossman, Havens, Haynes, Keightly, Lanham, Martin of Franklin, Marvin of Boone, Reeder, Thompson of Marion and Walz—14.

So the bill passed.

Engrossed House Bill No. 219, introduced by Mr. Anderson, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Bence, Brown of Jasper, Brown of Rush, Burson, Cantley, Charters, Collins, Dale, Darnall, Davison, Favorite, Forkner, Fulk, Harris of Wayne, Havens, Heighway, Hopkins, Jackson, Johnson of Carroll, Keightly, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Martin Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Morgan, McCord, Osborn, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Ribble, Romine, Shaw, Shortridge, Shugart, Taylor of Daviess, Taylor of Tipton, Thomas, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Lawrence and Wynn—57.

*Those who voted in the negative were,*

Messrs. Edwards, Haynes, Horn, Johnston of Dearborn, Martin of Franklin, Marvin of Fountain, Montgomery, McFadden, Nash, Patterson, Pyeatt, Reno, Roseberry, Thompson of Henry, Thompson of Marion, and Williams of Brown—15.

So the bill passed.

Mr. Arnold was granted leave of absence until next Monday morning.

Engrossed House Bill No. 237, introduced by Mr. Davis, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crumpacker, Darnall, Davison, Edwards, Favorite, Forkner, Fulk, Harris of Wayne, Haynes, Heighway, Hopkins, Horn, Jackson, Johnson of Carroll, Johnson of Dearborn, Keightly, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shortridge, Shugart, Snyder, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Wynn and Mr. Speaker—74.

*Those who voted in the negative were,*

Messrs. Gossman, Marvin of Boone and McMichael—3.

So the bill passed.

Mr. Nash moved that the House do now adjourn.

Which motion was lost.

Engrossed House Bill No. 240, introduced by Mr. Davis, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bence, Brown of Jasper, Brown of Rush, Caldwell, Cantley, Charters, Collins, Crum-



packer, Darnall, Davison, Edwards, Evans, Favorite, Fulk, Harris of Wayne, Highway, Keightly, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, Osborn, Patterson, Pyeatt, Pfafflin, Ragan, Reddick, Reeder, Ribble, Romine, Shortridge, Shugart, Snyder, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Twibill, Washburn, Williams of Lawrence and Wyrn—53.

*Those who voted in the negative were,*

Messrs. Burson, Clark, Forkner, Gossman, Havens, Haynes, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Law, Megenity, McCord, McFadden, McMichael, Nash, Ramsey, Reno, Shaw, Trusler, Walz, Waterman, Willett and Williams of Brown—25.

So the bill passed.

Mr. Thompson of Marion, was granted leave of absence until Monday noon.

Engrossed House Bill No. 241, introduced by Mr. Davis, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crumpacker, Dale, Darnall, Davisson, Edwards, Favorite, Forkner, Fulk, Gossman, Harris of Wayne, Havens, Haynes, Highway, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Keightley, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Reagan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson

of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Willett, Williams of Brown, Williams of Lawrence, Wynn, and Mr. Speaker—78.

Mr. McMichael voting in the negative.

So the bill passed.

House Bill No. 278, was on motion of Mr. Kennedy of Montgomery, recommitted to the Committee on Corporations.

Mr. Forkner moved that the House do now adjourn.

Which motion did not prevail.

Mr. Shugart moved that House Bill No. 242, be referred to the Committee on Education.

Which motion prevailed.

Mr. Kennedy of Montgomery, moved that the House do now adjourn.

Which motion did not prevail.

Engrossed House Bill No. 259, introduced by Mr. Williams of Brown, was read a third time.

Mr. Williams of Brown, moved to lay the bill upon the table.

Which motion prevailed.

Engrossed House Bill No. 257, introduced by Mr. Heller, was read a third time.

Mr. Burson moved to lay the bill upon the table.

Which motion prevailed.

Mr. Clark moved to take up House Bill No. 185.

Which motion prevailed, and the same was referred to the Committee on Rights and Privileges, with the following instructions :

Amend so as to give to Justices of the Peace original and exclu-

sive jurisdiction in all civil cases to the amount of three hundred dollars, and concurrent jurisdiction with the Circuit Court to the amount of six hundred dollars, and privilege of the defendant confessing judgment to the amount of one thousand dollars.

Also, amend in cases of misdemeanor so that Justices of the Peace shall have original exclusive jurisdiction in all cases where the fine can not exceed five dollars, and concurrent jurisdiction in all cases where the fine can not exceed twenty-five dollars.

Also amend by striking out all that part of the bill relating to Prosecuting Attorneys.

Engrossed House Bill No. 212, introduced by Mr. Williams of Brown, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Crumpacker, Dale, Darnall, Davison, Edwards, Favorite, Forkner, Fulk, Gossman, Harris of Wayne, Havens, Haynes, Highway, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, Morgan, McCord, McFadden, Osborn, Patterson, Pyeatt, Ramsey, Reddick, Reeder, Reno, Roseberry, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Wynn and Mr. Speaker—74.

*Those who voted in the negative were,*

Messrs. Anderson, Collins, Miller of Vanderburgh, McMichael, Pfafflin, Ragan, Ribble and Romine—8.

So the bill passed.

Mr. Arnold moved that the House do now adjourn.

Which motion did not prevail.

Engrossed House Bill No. 247, introduced by Mr. Romine, was read a third time and, on motion of Mr. Havens, was made the special order for Tuesday, February 16, at 3 o'clock.

Engrossed House Bill No. 340 introduced by Mr. Anderson, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Barney, Bence, Brown of Jasper, Burson, Caldwell, Charters, Collins, Crumpacker, Darnall, Davison, Favorite, Fulk, Gossman, Harris of Wayne, Havens, Haynes, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Montgomery, Kennedy of Morgan, Law, Martin of Franklin, Martin of Wells, Marvin of Boone, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, Nash, Osborn, Pfafflin, Ragan, Reeder, Reno, Ribble, Shortridge, Shugart, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Lawrence and Wynn—57.

*Those who voted in the negative were,*

Messrs. Arnold, Brown of Rush, Cantley, Clark, Dale, Edwards, Henderson, Jackson, Lanham, Lincoln, Marvin of Fountain, McMichael, Patterson, Pyeatt, Ramsey, Reddick, Romine, Roseberry, Shaw, Thompson of Henry, Thompson of Marion and Williams of Brown—23.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Whereupon, Mr. Wynn moved to amend by adding the words "and declaring an emergency."

Which amendment was adopted, and the title as amended ordered to stand as the title of the bill.

On motion of Mr. Havens, the House adjourned till to-morrow morning at 10 o'clock.

DAVID TURPIE,  
Speaker.

## SATURDAY MORNING.

FEBRUARY 13, 1875, 10 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

The House was opened with prayer by the Rev. Dr. Dean.

The Journal of yesterday was read in part when, on motion of Mr. Crumpacker, the further reading thereof was dispensed with.

Mr. Megenity moved to suspend the order of business and take up Senate Bill No. 191.

Which motion prevailed.

Mr. Megenity moved to suspend the rules that Senate Bill No. 191 may be read a second time now.

The question being, shall the rules be suspended?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark,

Collins, Crumpacker, Dale Darnall, Davison, Edwards, Evans, Favorite, Forkner, Fulk, Gossman, Harris of Wayne, Havens, Haynes, Heighway, Henderson, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightley, Kennedy of Marion, Kennedy of Morgan, Lanham, Law, Lincoln, Martin of Franklin, Martin of Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Roseberry, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Wynn and Mr. Speaker—81.

No one voting in the negative.

So the rules were suspended.

Mr. Megenity moved to suspend the rules and read the bill a third time.

The question being, shall the rules be suspended?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Clark, Collins, Crumpacker, Dale, Davison, Davis, Edwards, Favorite, Forkner, Fulk, Gossman, Harris of Wayne, Havens, Haynes, Henderson, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Morgan, Lanham, Law, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, Morgan, McCord, McMichael, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Wynn and Mr. Speaker—78.

No one voting in the negative.

So the rules were suspended.

Engrossed Senate Bill No. 191, read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Clark, Collins, Crumpacker, Dale, Darnall, Davison, Edwards, Evans, Favorite, Forkner, Fulk, Gossman, Harris of Wayne, Havens, Haynes, Henderson, Horn, Jackson, Johnson of Carroll Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Morgan, Lanham, Law, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, Morgan, McCord, McMichael, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Wynn and Mr. Speaker—77.

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Whereupon, Mr. Wynn moved to amend by adding the words "and declaring an emergency."

And the title as amended was ordered to stand as the title of the bill.

Mr. Caldwell submitted the following report :

MR. SPEAKER :

Your Committee on Ways and Means, to whom was recommitted House Bill No. 143, have instructed me to report the same back to

the House with the accompanying instructions, amending the bill, and when so amended recommend its passage :

“Strike out all making the appropriations of \$3,000 from State revenue, and \$10,000 from school fund.”

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Caldwell submitted the following report :

MR. SPEAKER :

Your Committee on Ways and Means have had under consideration House Bill No. 357, an act to amend the eighth and ninth sections of an act entitled “An act supplementary and amendatory of an act to provide for a uniform assessment of property, and for the collection and return of taxes thereon,” approved December 21, 1872, have instructed me to report the same back to the House with a recommendation that the bill lie on the table.

Which report was concurred in, and the bill so ordered.

Mr. Caldwell submitted the following report :

MR. SPEAKER :

Your Committee on Ways and Means have had House Resolution No. 57, enquiring into the expediency of amending the assessment law, in the collection of taxables for statistical purposes under consideration, and have instructed me to report the same back to the House with a recommendation that the resolution lie on the table, there being a bill before this House amending the law in reference to this matter.

Which report was concurred in and the resolution ordered to lie upon the table.

The Committee on Judiciary submitted the following report:

MR. SPEAKER :

The Committee on Judiciary, to whom was referred House Bill No. 261, with instruction to amend said bill, direct me to report



said bill back to the House with the amendment proposed by the House, viz., insert the words, "of each" after the word "voters" and before the word "of" in line 61, in section 1 of said bill, and that when the bill is so amended that it pass.

SEC. 4. That it shall be the duty of the Board, or Boards of Commissioners of the said counties or county, if any indebtedness exist in either, or both, that the said Boards shall levy from year to year a tax upon the detached territory by such a percentage upon all the taxable property within such district so detached as shall be necessary to liquidate and pay the indebtedness of the county from which such territory was detached until the said indebtedness be fully paid, which rate per cent. shall not be in excess of that levied upon the county so undivided, and when such assessment shall be made by said Boards it shall be the duty of the auditor of each of said counties to certify the rate per cent. so levied to the auditor of the county to which such territory was attached, which auditor shall place such rate per cent. on the tax duplicate of said county, and it shall be the duty of the treasurer of said county to collect the same, and upon demand of the treasurer of the proper county, he shall pay over the same as other moneys are paid out."

And thus amended it is recommended that the bill do pass.

Which report was concurred in.

Mr. Burson moved to suspend the order of business and that House Bill No. 261 be read a third time.

Wh ch motion prevailed and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crumpacker, Dale, Darnall, Davison, Forkner, Fulk, Gossman, Harris of Wayne, Havens, Haynes, Henderson, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Morgan, Lanham, Law, Martin

of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, Morgan, McCord, McMichael, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Taylor of Tipton, Trusler, Twibill, Walz, Washburn, Waterman, Williams of Brown, Williams of Lawrence, Wynn and Mr. Speaker—71.

*Those who voted in the negative were,*

Messrs. Edwards, Lincoln, Thomas, Thompson of Henry and Willett—5.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

Whereupon, Mr. Havens moved to amend by adding the words “and declaring an emergency.”

Which amendment was adopted, and the title as amended ordered to stand as the title of the bill.

Leave of absence was granted to Mr. Kennedy of Montgomery, until Monday next at 2 o'clock p. m.

Leave of absence was granted Mr. McFadden, until Tuesday next, on account of ill health.

The Committee on Education submitted the following report:

MR. SPEAKER:

Your Committee on Education, to whom was referred House Bill No. 242, have instructed me to return the same to the House, with the recommendation that it pass.

Report concurred in, and bill ordered engrossed.

The following report was submitted from the Committee on Claims :

MR. SPEAKER :

I am directed by the Committee on Claims, to whom was referred the claim of Messrs. Braden & Burford, for stationery furnished at the State Library, on the order of James DeSanno, State Librarian in November, 1872, for the use of the General Assembly at the special session of 1872, to report that they have examined the claim, and find that the goods therein charged were furnished by said firm in good faith, and they have therefore allowed thereon the sum of \$1,348.90 for the following named articles, which the Committee found in the State Library rooms, to-wit :

40 Reams Lith. Letter Heads—House.....	\$ 440 00
20 Reams Lith. Letter Heads—Senate.....	220 00
264 Quires of Enrolling Paper.....	356 40
5,000 Ayes and Noes—Senate.....	25 00
8,000 Ayes and Noes.....	40 00
384 Large Blotting Boards.....	97 50
25,000 No. 6 White Envelopes.....	125 00
5,000 No. 10 White Envelopes.....	45 00
Total.....	<hr/> \$1,348 90

These articles are in the State Library, and your committee recommend that the Secretary of the State be directed to take charge of the same and have it removed to his office, that the same may be assorted, and such as can be used by the present General Assembly be furnished instead of making further purchase for the same articles.

Which report was concurred in.

The following report was made from the Committee on Fees and Salaries :

MR. SPEAKER :

The Committee on Fees and Salaries, to whom was recommitted House Bill No. 288, fixing the per diem and mileage of members of

the General Assembly with instructions to incorporate the same in the General Fee and Salary Bill, have had the same under consideration, and the committee being unanimously of the opinion that it would not be expedient to incorporate the same in the General Fee Bill, have instructed me to report the same back to the House with the recommendation that it do pass.

Which was concurred in, and the bill ordered engrossed.

The Committee on Fees and Salaries submitted the following report :

MR. SPEAKER :

The Committee on Fees and Salaries, to whom was referred House Bill No. 16, introduced by Mr. Martin of Wells, fixing the salary of the Governor, have had the same under consideration, and the majority of said committee have instructed me to report the same back with recommendation that the bill do pass.

Which report was concurred in, and the bill ordered to be engrossed.

The following report was submitted from the Committee on Fees and Salaries :

MR. SPEAKER :

The Committee on Fees and Salaries, to whom was referred House Bill No. 197, introduced by Mr. Shortridge, fixing the salaries of Supreme, Circuit, Superior and Criminal Judges, have had the same under consideration and instructs me to report the same back with the recommendation that it be laid on the table.

Which report was concurred in, and the bill so ordered.

The Committee on Railroads submitted the following report :

MR. SPEAKER :

The Committee on Railroads, to whom was referred House Bill No. 92, entitled an act requiring railroad corporations to fence their

tracks, and providing penalties for the violation thereof, having carefully considered said bill, beg leave to report the same back to the House with the recommendation that it be laid on the table.

Which report was concurred in, and bill so ordered.

The following report was made from the Committee on Railroad :

MR. SPEAKER :

The Committee on Railroads, to whom was referred House Bill No. 304, entitled "An act to compel railroad companies and other corporations and persons owning or operating railroads in this State, to fence such road, and prescribing penalties for a violation of the same, having carefully considered said bill, beg leave to report the same back to the House with the recommendation that it be laid on the table.

Mr. Willett moved to lay the report on the table.

Messrs. Willett and Crumpacker demanded the ayes and noes.

The question being, shall the report lie upon the table?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Barney, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Clark, Collins, Crumpacker, Dale, Davison, Edwards, Favorite, Forkner, Haynes, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Morgan, Law, Martin of Franklin, Martin of Wells, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, Morgan, McCord, McMichael, Nash, Osborn, Pfafflin, Ramsey, Ragan, Reeder, Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence and Wynn—61.

*Those who voted in the negative were,*

Messrs. Darnall, Fulk, Gossman, Harris of Wayne, Havens,

Henderson, Lanham, Lincoln, Marvin of Boone, Patterson, Pyeatt, Reddick and Thompson of Henry—13.

So the report was laid upon the table.

Mr. Burson moved that the bill be ordered to its engrossment.

Which motion did not prevail.

Mr. Morgan offered the following amendment :

Strike out the words "six months," in line 12, Section one, and insert therefor "two years."

Mr. Havens offered the following amendment to the amendment :

I move to amend the amendment by striking out "two years" and inserting "four years."

Mr. Willett moved to lay the amendment to the amendment upon the table.

Mr. Darnall moved to amend by making it the special order for Wednesday next at 2 o'clock p. m.

Which motion prevailed, and the whole subject was made the special order for Wednesday next at 2 o'clock p. m.

The following report was made from the Committee on Railroads :

MR. SPEAKER :

The Committee on Railroads, to whom was referred House Bill No. 142, entitled "An act repealing an act authorizing aid to railroad companies," approved May 12, 1869, having carefully considered said bill, beg leave to report the same back to the House with the recommendation that it be laid upon the table.

Which was concurred in and the bill so ordered.

The following report was made from the Committee on Railroads :

MR. SPEAKER :

The Committee on Railroads, to whom was referred House Bill No. 72, entitled "An act to compel Railroad Companies to fence their right of way and providing penalties for the violation thereof," having carefully considered said bill, report the same back to the House with the recommendation that it be laid on the table.

Which was concurred in.

The following report was made from the Committee on Railroads :

MR SPEAKER :

The Committee on Railroads, to whom was referred Resolution No. 42, having carefully considered said resolution, beg leave to report the same back to the House with the recommendation that it be laid on the table.

Which report was concurred in.

Mr. Taylor of Tipton, submitted the following report :

MR. SPEAKER :

Your Committee on Railroads, to whom was referred Resolution No. 4, requiring a report on House Bill No. 92, report that they are ready to comply with the requirements of said resolution and return the resolution herewith.

Which report was concurred in, and the bill so ordered.

Mr. Ragan submitted the following report :

MR. SPEAKER :

Your Committee on Agriculture, to whom was referred Engrossed House Bill No. 245, introduced by Mr. Walz, with recommendation to amend, have had the same under advisement, and find that such amendment would be inexpedient, and derogatory to the interest and intentions of the bill. Your committee, therefore, report

the same back with the recommendation that it pass as now engrossed.

Which report was concurred in.

Leave of absence was granted Mr. Burson until Tuesday next at 2 o'clock p. m.

Mr. Law submitted the following report :

MR. SPEAKER :

Your Committee on Agriculture, to whom was referred House Bill No. 325, introduced by Mr. Waterman, have had the same under advisement, and direct me to report the same back with the recommendation that the same do pass.

Which report was concurred in, and bill ordered engrossed.

Mr. Reno submitted the following report :

MR. SPEAKER :

Your Committee on Agriculture, to whom was referred House Bill No. 192, introduced by Mr. Kennedy of Morgan, have directed me to report the same back, with the recommendation that the same do pass.

Which report was concurred in, and bill ordered engrossed.

Leave of absence was granted Mr. Edwards until Tuesday next, at 10 o'clock a. m., on account of sickness.

The following report was made from the Committee on Benevolent and Scientific Institutions:

MR. SPEAKER :

The Committee on Benevolent and Scientific Institutions, to whom was referred House Bill No. 289, "An act for the erection of two additional hospitals for the insane," have had the same under con-



sideration, and the majority of them instruct me to report the same back, and recommend that it be laid upon the table, and also instructs me to report the following bill, and recommend its passage.

Which was concurred in, and bill so ordered.

House Bill No. 389, prepared by the Committee on Benevolent and Scientific Institutions. An act increasing the capacity of the Indiana Hospital for the Insane, by additional buildings, creating departments therein, and declaring an emergency.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Governor of the State, the Board of Commissioners of the Indiana Hospital for the Insane, the Superintendent of the Indiana Hospital for the Insane, *ex officio*, and one other citizen of the State, to be appointed by the Governor, shall be, and constitute a Board of Commissioners, to be known and designated as the Commissioners for the Indiana Provisional Board.

SEC. 2. The Board of Commissioners provided for in section 1 of this act, shall meet in pursuance of notice ordered by the Governor, who shall be *ex officio* President of the Board, at such time and place as he may designate for permanent organization, within thirty days after the passage of this act, and thereafter at such times and places as may be in accordance with the rules and regulations provided by themselves for the government of the Board, not in violation of the laws of the State.

SEC. 3. The powers and duties of the Board, as provided for by the foregoing sections of this act, shall be to locate, construct, furnish, equip and open for the reception of insane persons, buildings, subject to limitations mentioned in succeeding sections of this act.

SEC. 4. The buildings contemplated by this act shall be located on the land now owned by the State of Indiana, known as the Hospital farm, containing one hundred and sixty acres, more or less, upon which the Indiana Hospital for the Insane now stands, and shall be constructed of brick, stone, iron and such other materials as may be deemed most desirable for the purpose, with due regard to economy, safety, durability and the interests of those for whose immediate benefit they are designed.

SEC. 5. The buildings contemplated and authorized by this act shall be plain and substantial in appearance, dignified in architectural proportions, but free from costly embellishments, and when completed shall afford accommodation and all necessary appurtenances for the care of six hundred or more insane persons.

SEC. 6. No plans or specification for building, or contract for labor or material, shall be adopted at any other than a full meeting of the Board of Commissioners, or by the unanimous consent of a meeting of two-thirds thereof, notice of meeting having been given to all.

SEC. 7. The Superintendent of the Indiana Hospital for the Insane shall have a general supervision of the construction of the buildings and shall have authority to direct such minor details of construction, and deviations from specifications of the architect, as he may find essential to conform the interiors of the buildings to the professional and hygienic necessities of an Insane Hospital: *Provided*, That he shall direct no alteration involving any considerable expense or any change of the general plan of the building without the approval of a majority of the Board. He shall also approve all vouchers allowed by the Board, and all estimates on contracts, and no work done by contract shall be accepted as finished or paid for without his approval or after a full hearing and consideration of his protest and objections, should he offer any.

SEC. 8. The construction of such buildings as are provided for in this act shall be prosecuted diligently, and with such dispatch as may be warranted by the magnitude of the work and the means provided for its accomplishment, and shall embrace all necessary appurtenances.

SEC. 9. Whenever such buildings, or so much thereof as may be sufficient for the accommodation of three hundred patients, shall be completed, the provisional board of commissioners constituted by this act, shall turn the same over to the regular board of commissioners for the Indiana Hospital for the Insane, who shall cause the same to be furnished and opened for the reception of insane persons.

SEC. 10. Whenever the buildings provided for by this act, or such part thereof as may accommodate three hundred patients, together with necessary officers and attendants shall have been opened in pursuance of the provisions of Section 9 of this act, all

of the insane women at that time inmates of the Indiana Hospital for the Insane, shall be transferred and received as inmates of the new buildings, which building shall thereafter be known and designated as the Indiana Hospital for the Insane, department for women, and no men shall ever be admitted to such department for custody or treatment.

SEC. 11. Whenever all of the women inmates of the Indiana Hospital for the Insane, shall have been removed from said Hospital, and provided for in the department for women the wards thus vacated in said hospital shall be open for the reception of insane men, and the entire building shall be known and designated thereafter as the Indiana Hospital for the Insane, department for men, and no women shall be admitted thereto for custody or treatment.

SEC. 12. When the buildings contemplated and authorized by the act shall be finished and ready for occupancy, the Board of Commissioners constituted by this act, shall place the same in charge and control of the Commissioners for the Indiana Hospital for the Insane, and shall thereupon dissolve and cease to be and all laws then in force pertaining to the Indiana Hospital for the Insane shall apply to both departments thereof as provided for by this act.

SEC. 13. All moneys drawn from the Treasury in pursuance of the objects of this act, shall be drawn by warrants directed to the Auditor of State, and shall bear the signature of the President and Secretary of the Board, countersigned by the Supervisor of construction and no more money shall be drawn from the Treasury for such purposes within one year than may have been specifically appropriated for the expenditures of that year.

SEC. 14. Five hundred thousand dollars to be paid out of any money in the Treasury not otherwise appropriated—two hundred thousand to be expended in the year ending March 31, 1876,—two hundred thousand to be expended within the year ending March 31, 1877, and one hundred thousand to be expended thereafter, or so much thereof as may be necessary to execute the purposes of this act—are hereby appropriated.

SEC. 15. Should "the department for the women" of the Indiana Hospital for the Insane, as constituted by this act, be open before or without any specific appropriation, its maintenance having been made, patients shall be received therein, nevertheless, and the Superintendent shall certify under oath at the end of each month

to the Auditor of State the amount of additional expenditures which has been incurred by the Indiana Hospital for the Insane by reason of opening such department for women, such certificate to be endorsed by the order of the Board of Commissioners for said Hospital "correct and necessary," whereupon the Auditor shall issue his warrant to the Treasurer of State for the sums certified as expended, and the Treasurer shall place to the credit of the Indiana Hospital for the Insane an amount equal thereto, to be drawn upon by the Hospital as if originally appropriated therefor, and such maintenance shall continue from month to month until other provision for additional maintenance shall have been made by law.

SEC. 16. The ex-officio members of the Board created by this act shall serve without additional pay, and the members thereof appointed by the Governor shall be entitled to the pay of a Commissioner of the Indiana Hospital for the Insane; *Provided*, should the Board constitute one of its own members Secretary thereof, he shall be entitled to such additional pay as the Board may allow for services as Secretary.

SEC. 17. An emergency is declared to exist, and this act shall be in force from and after its passage.

Which was read a first time.

Mr. Marvin, of Boone, submitted the following report:

MR. SPEAKER:

The Committee on Benevolent and Scientific Institutions, to whom was referred Resolution No. 16, introduced by Mr. Reeder, instructing the Committee to report a bill for the erection of a building or buildings for the accommodation of the incurable insane of the State, a majority of said Committee have authorized me to report the same back, and recommend that it be laid upon the table, as we have already reported a bill on that subject.

Which report was concurred in.

The Committee on Temperance submitted the following report:

MR. SPEAKER:

The Committee to whom was referred House Bill No. 266, enti-

filed "An act to protect the manufacturers of bottles of mineral water, ale, cider, beer, ginger pop, etc.," report the same back, with the recommendation that it pass.

Which report was concurred in.

The following report was made from the Committee on Engrossed Bills:

MR. SPEAKER:

Your Committee on Engrossed Bills have compared Engrossed House Bills Nos. 23, 55, 202, 214, 253, 265, 269, 282, 287, 296, 227, and 275, and Joint Resolution No. 41, with the original copies, and find the same in all things correctly engrossed.

Which report was concurred in.

The Committee on Engrossed Bills submitted the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have had under consideration House Bills Nos. 108, 227, 258, 278, 284, 285, 293, 338, and 344, and after a careful examination beg leave to report the same back to this House as correctly engrossed.

Which report was concurred in.

The Committee on Roads submitted the following report:

MR. SPEAKER:

Your Committee on Roads, have had under consideration House Bill No. 350, and direct me to offer the following report: Amend section 1, in line fourteen, by striking out "twelve," and inserting "nine," and when so amended, we recommend its passage.

Which report was concurred in.

The following report was made from the Committee on Roads :

MR. SPEAKER :

Your committee to whom was referred House Bill No. 356, a bill to amend section 19 of an act entitled, "An to provide for the opening, vacation and change of highways," have had the same under consideration, and instruct me to make the following report : That said bill lie on the table.

Which report was cocurred in.

Mr. Williams of Brown presented the claims of A. E. S. Long.

Which was referred to the Committee on Claims.

Mr. Williams of Brown introduced

House Bill No. 390. An act amending section 1 of an act entitled, "An act supplemental to an act entitled, 'An act for the incorporation of Insurance Companies, defining their powers and prescribing their duties,'" approved June 17, 1852, approved December 20, 1865.

Which was read a first time.

Mr. Williams of Brown introduced the following resolution :

*Resolved*, That the Committee on Railroads be instructed to report to this House for its consideration and action, House Bill No. 50, between now and 2 o'clock p. m., on Monday next.

Which was adopted.

Mr. Bence introduced

House Bill No. 391. An act to amend section 211, of an act entitled "An act to revise, simplify and abridge the rules, practice pleadings and forms in civil cases in courts of this State, to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity."

Which was read a first time.

Mr. Gossman introduced

House Bill No. 392. An act relating to common schools, providing for the selection of teachers, distributing of the school fund and the manner of determining what branches shall be taught in said common schools and defining who shall be legal voters in such school meetings.

Which was read a first time.

Mr Caldwell introduced House Bill No. 393. An act to amend section one and two, of an act entitled "An act making it unlawful for owners and proprietors of billiard tables to suffer or permit minors to play at or upon the same, or to suffer or permit minors to congregate at or about such billiard tables and providing penalties for the violation of this act," approved March 8, 1873.

Which was read a first time.

Mr. Caldwell presented a petition on the subject of fees and salaries.

Which was referred to the Committee on Fees and Salaries.

Mr. Johnston of Dearborn introduced

House Bill No. 394. An act making the separate property of married women, secured to them by law, liable for necessities furnished to family, and declaring an emergency.

Which was read a first time.

Mr. Johnston of Dearborn introduced

House Bill No. 395. An act to enable creditors to attach debts, deposits, goods or chattels, pledged or demised in satisfaction of any judgment, in the same manner as debts are subject to executions, and declaring an emergency.

Which was read a first time.

Mr. Waterman presented a petition in regard to cities and towns.

Which was referred to the Committee on Cities and Towns.

Mr. Waterman introduced

House Bill No. 396. An act providing that trustees of incorporated towns shall not enter into certain contracts without first taking the sense of the legal voters thereon, with matters properly connected therewith, and declaring an emergency.

Which was read a first time.

Mr. Waterman offered the following resolution :

WHEREAS, In order to strictly comply with the election laws now in force, election boards, in ordinarily populous townships, are required to be in continuous session from twenty to thirty hours without rest or sleep, thus unfitting the members of such boards for the proper discharge of the important duties required of them ; therefore, be it

*Resolved*, That the Committee on Elections be instructed to inquire into the feasibility of so amending the election laws that the time required of election boards may be shortened, either by providing for annual elections or for spring elections, for choosing township officers, or other provisions, and report by bill or otherwise.

Which was adopted.

Mr. Osborn, from the Committee on Federal Relations, submitted the following report :

MR. SPEAKER :

The Committee on Federal Relations, to whom was referred Joint Resolution No. 8, instructing our Senators and Representatives to secure an amendment to our pension laws, beg leave to report the same back to the House recommending its adoption.

Which report was concurred in, and the resolution ordered to be engrossed.

Mr. Clark introduced

House Bill No. 397. A bill to amend an act entitled "An act



defining felonies and prescribing punishment thereon," approved June 10, 1852.

Which was read a first time.

Leave of absence was granted Mr. Clark, until Monday next at 2 o'clock p. m.

Mr. McCord introduced

House Bill No. 398. An act to repeal an act entitled "An act authorizing the appropriation of money out of the State Treasury for the use of the Indiana University, located at Bloomington, Monroe county," approved February 19, 1873.

Which was read a first time.

Mr. Ragan introduced

House Bill No. 399. An act supplemental to an act to encourage agriculture and agricultural farms, by the purchase and improvement of grounds, approved March 8, 1873.

Which was read a first time.

Mr. Forkner introduced

House Bill No. 400. An act legalizing certain elections, etc., of the town of Knightstown.

Which was read a first time.

Mr. Darnall introduced

House Bill No. 401. A bill to prevent political or municipal corporations from creating indebtedness for any purpose in any amount exceeding five per cent. of the amount of the value of the taxable property within such corporation, and declaring an emergency.

Which was read a first time.

Mr. Ragan presented the memorial of the State Board of Agriculture.

Which was referred to the Committee on Benevolent and Scientific Institutions.

Mr. McMichael offered the following resolution :

*Resolved*, That the Committee on Roads be instructed to inquire into the expediency of exempting honorably discharged soldiers from road work, or road tax, and that said committee report to this House, by bill or otherwise, their decision thereupon.

Mr. Bence moved to lay the resolution upon the table.

Messrs. McMichael and Waterman demanded the ayes and noes.

The question being, shall the resolution lie on the table ?

*Those who voted in the affirmative were,*

Messrs. Ames, Bence, Brown of Rush, Cantley, Clark, Crumacker, Dale, Davison, Edwards, Favorite, Fulk, Gossman, Henderson, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Lincoln, Martin of Franklin, Marvin of Fountain, Miller of Parke, Montgomery, Morgan, McCord, Nash, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reno, Ribble, Shaw, Shugart, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Walz, Washburn and Wynn—43.

*Those who voted in the negative were,*

Messrs. Anderson, Barney, Collins, Darnall, Forkner, Harris of Wayne, Havens, Haynes, Keightly, Kennedy of Marion, Kennedy of Morgan, Lanham, Law, Martin of Wells, Marvin of Boone, Megenity, McMichael, Osborn, Reeder, Romine, Roseberry, Shortridge, Snyder, Waterman, Willett, Williams of Brown and Williams of Lawrence—27.

So the resolution was laid on the table.

Mr. Edwards moved to adjourn.

Which motion did not prevail.

Mr. Reeder presented the claims of Martin A. Reeder.

Which was referred to the Committee on Claims.

Mr. Taylor of Tipton, offered the following resolution :

*Resolved*, That the Attorney General be requested to give this House an opinion whether, when the body of a bill contains an emergency clause, the Constitution requires the title to indicate the fact.

Which resolution was adopted.

Mr. Taylor of Tipton, introduced

House Bill No. 402. An act to enable married women whose husbands are insane or of unsound mind, to convey real estate belonging to such married women.

Which was read a first time.

Mr. Taylor of Tipton, introduced

House Bill No. 403. An act legalizing the incorporation of the town of Tipton and the official acts of the several Boards of Trustees, and other officers.

Which was read a first time.

Mr. Miller of Parke, introduced

House Bill No. 404. An act to amend the twelfth and thirteenth sections of an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved December 21, 1872.

Which was read a first time.

Mr. Kennedy of Marion, introduced

House Bill No. 405. A bill providing for vacating, establishing or widening streets and alleys in any city and town in the State.

Which was read a first time.

Mr. Keightly introduced

House Bill No. 406. An act to amend the thirteenth section of an act entitled "An act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes," approved May 20, 1852.

Which was read a first time.

Mr. Williams of Brown, moved to adjourn.

Which motion did not prevail.

The Speaker laid before the House the memorial of H. H. Robinson.

Which was referred to the Committee on Federal Relations.

Mr. Reno introduced

House Bill No. 407. An act to legalize the official acts of the Board of Trustees of the town of Spencer, Owen county, and all other officers of said corporation under an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, and the by-laws, rules, regulations, and proceedings adopted in pursuance thereof.

Which was read a first time.

Mr. Marvin of Boone, moved to adjourn.

Which motion did not prevail.

Mr. Walz introduced

House Bill No. 408. An act to regulate the vacation of abandoned plank roads, or parts thereof, providing for re-location of the same, and declaring an emergency.

Which was read a first time.

Mr. Pfafflin introduced

House Bill No. 409. An act to amend the 17th section of an act, approved May 12, 1869, entitled "An act to provide for the organization of savings banks, and the safe and proper management of their affairs."

Which was read a first time.

Mr. Pfafflin presented a petition on the subject of abolishing the Criminal Court of Vanderburgh county.

Which was referred to the Committee on Organization of Courts of Justice.

Mr. Harris of Wayne introduced

House Bill No. 410. A bill legalizing the acts of the Board of Trustees of incorporated towns in certain cases.

Which was read a first time.

Mr. Henderson introduced

House Bill No. 411. An act to provide for the satisfaction of judgments in Circuit Courts and Courts of Common Pleas.

Which was read a first time.

Mr. Ames presented a petition on the subject of Wolfe River Harbor.

Which was referred to the Committee on Judiciary.

Mr. Jackson introduced

House Bill No. 412. An act amendatory of an act entitled "An act to require railroad companies to issue stock paid for by taxes voted in aid of the construction of their roads to the taxpayers or their assignor, and to issue unclaimed stock for the benefit of the common school fund," approved December 17, 1872.

Which was read a first time.

Leave of absence was granted Mr. Reddick until Tuesday next, at 10 o'clock a. m.

On motion of Mr. Marvin of Boone, the House adjourned until 2 o'clock this afternoon.

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AFTERNOON SESSION.

The House met pursuant to adjournment, the Speaker in the chair.

Engrossed Senate Bill No. 67, an act to repeal section fifty-five of an act authorizing and regulating the business of general banking, approved March 3, 1855, was read a first time.

Engrossed Senate Bill No. 141, a bill authorizing the sale and conveyance of certain lands belonging to the State of Indiana, was read a first time.

Engrossed Senate Bill No. 121, an act entitled "An act providing for the election and prescribing certain duties of County Surveyors," approved June 17, 1852, was read a first time.

Engrossed Senate Bill No. 77, an act to provide for the trial of certain causes in which changes of venue are granted, was read a first time.

Engrossed Senate Bill No. 89, an act for the organization of camp meeting associations and providing for the government thereof, was read a first time.

Engrossed Senate Bill No. 106, an act to authorize incorporated towns to issue bonds, etc, was read a first time.

Engrossed Senate Bill No. 72, an act to amend section three of an act entitled "An act to render taxation for common schools purposes uniform, and to provide for the education of colored children of the State," approved May 13, 1869, was read a first time.

Engrossed Senate Bill No. 157, an act to amend the one hundred and fifty-third section of an act entitled "An an act to provide for a general system of common schools, the officers thereof and their respective powers and duties and matters properly connected therewith, etc., was read a first time.

Engrossed Senate Bill No. 144, an act supplemental to an act approved January 21, 1852, and entitled "An act authorizing Circuit Courts to change the names of persons and corporations," was read a first time.

Engrossed Senate Bill No. 32, a bill to limit appointments to office in Punitive, Reformatory and Benevolent Institutions of the State, was read a first time.

Engrossed Senate Bill No. 151, an act to authorize incorporated cities in this State to construct, extend, widen, deepen, repair and otherwise improve harbors, and for that purpose to condemn the lands of persons through or adjoining which such harbors may run, was read a first time.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed Engrossed House Bill No. 213, entitled "A bill to legalize taxes for 1874 of the incorporated town

of Auburn, in Dekalb county, Indiana, and the proceeding of the proper officers in relation thereto, and to empower the proper officers to collect said taxes, and declaring an emergency.

And the same is herewith transmitted to the House.

Mr. Havens introduced

House Bill No. 413. An act to amend section twenty-six of an act of the General Assembly of Indiana entitled "An act to repeal all general laws now in force for the incorporation of cities and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, and to legalize certain acts of cities in relation to the assessment of real estate within their limits, done under the authority conferred by said section, and declaring an emergency.

Which was read a first time.

House Bill No. 345, introduced by the Committee on Education, was read a second time and, on motion of Mr. Havens, ordered to be engrossed.

House Bill No. 373, introduced by Mr. Bellows, was read a second time and, on motion of Mr. Roseberry, referred to the Committee on Roads.

House Bill No. 374, introduced by Mr. Darnall, was read a second time and, on motion of Mr. Darnall, referred to the Committee on County and Township business.

House Bill No. 375, introduced by Mr. Darnall, was read a second time and, on motion of Mr. Darnall, was referred to the Committee on Rights and Privileges.

House Bill No. 376, introduced by Mr. Darnall, was read a second time and, on motion of Mr. Darnall, referred to the Committee on Rights and Privileges.

House Bill No. 377, introduced by Mr. Clark, was read a second time, and referred to the Committee on County and Township Business.



Leave of absence was granted the Committee on Reformatory Institutions, until Monday next at 2 o'clock p. m.

House Bill No. 383, introduced by Mr. Glasgow, was read a second time and, on motion of Mr. Lanham, referred to the Committee on Roads.

House Bill No. 368, reported by the Committee on Agriculture, was read a second time and, on motion of Mr. Ragan, ordered to its engrossment.

House Bill No. 369, introduced by Mr. Martin of Wells, was read, a second time and, on motion of Mr. Marvin of Boone, referred to the Committee on Judiciary.

House Bill No. 370, introduced by Mr. Heller, was read a second time and referred to the Committee on Judiciary.

House Bill No. 371, introduced by Mr. Williams of Brown, was read a second time and, on motion of M. Reddick, referred to the Committee on County and Township Business.

House Bill No. 380, introduced by Mr. Miller of Parke, was read a second time and, on motion of Mr. Miller of Parke, referred to the Committee on County and Township Business.

House Bill No. 381, introduced by Mr. Forkner, was read a second time and, on motion of Mr. Forkner, referred to the Committee on Cities and Towns.

House Bill No. 382, introduced by Mr. Henderson, was read a second time and, on motion of Mr. Havens, referred to the Committee on Rights and Privileges.

House Bill No. 372, introduced by Mr. Johnson of Carroll, was read a second time and, on motion of Mr. Johnson of Carroll, referred to the Committee on Education.

House Bill No. 384, introduced by Mr. McMichael, was read a second time and, on motion of Mr. McMichael, referred to the Committee on Rights and Privileges.

House Bill No. 385, introduced by Mr. Taylor of Tipton, was read a second time and, on motion of Mr. Taylor of Tipton, referred to the Committee on Fees and Salaries.

House Bill No. 386, introduced by Mr. Taylor of Tipton, was read a second time and, on motion of Mr. Taylor of Tipton, referred to the Committee on Judiciary.

House Bill No. 378, introduced by Mr. Woody, was read a second time and, on motion of Mr. Darnall, referred to the Committee on Judiciary.

House Bill No. 379, introduced by Mr. Reno, was read a second time and, on motion of Mr. Reno, referred to the Committee on Rights and Privileges.

House Bill No. 387, introduced by Mr.——, was read a second time, and referred to the Committee on Judiciary.

House Bill No. 388, introduced by Mr. Ramsey, was read a second time.

Mr. Martin of Franklin, offered the following amendment:

Amend so as to include "Washington township, Knox county."

Which was adopted, and the bill as amended ordered to be engrossed.

On motion of Mr. Morgan, House Bill No. 330, was taken from the table and ordered to be engrossed.

Leave of absence was granted Mr. Darnall until Tuesday next at 10 o'clock a. m.

Messrs. Collins and McMichael presented petitions on the subject of temperance.

Which were referred to the Committee on Temperance.

Mr. Havens moved a call of the House.

The call of the House being made,

*Those who answered to their names were,*

Messrs. Ames, Bence, Brown of Rush, Cantley, Collins, Crum-  
packer, Dale, Darnall, Davison, Favorite, Forkner, Fulk, Havens,  
Haynes, Henderson, Horn, Jackson, Johnson of Carroll, Johnston  
of Dearborn, Keightley, Kennedy of Marion, Kennedy of Morgan,  
Lanham, Law, Lincoln, Martin of Franklin, Marvin of Boone, Mar-  
vin of Fountain, Megenity, Miller of Parke, Montgomery, Morgan,  
McCord, McMichael, Pyeatt, Pfafflin, Ragan, Reddick, Reeder,  
Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart,  
Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry,  
Trusler, Twibill, Walz, Washburn, Willett, Williams of Brown,  
Williams of Lawrence, Wynn and Mr. Speaker—60.

So there was no quorum present.

Mr. Havens moved to adjourn until Monday morning, at 10  
o'clock.

Mr. Trusler moved to amend by making it until 2 o'clock p. m.,  
Monday.

Which motion prevailed, and the House adjourned until Monday  
next, at 2 o'clock p. m.

DAVID TURPIE,  
Speaker.

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## MONDAY AFTERNOON.

FEBRUARY 15, 1875—2 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

The Journal of Saturday was read in part, when on motion of  
Mr. Horn, the further reading thereof was dispensed with.

The Committee on County and Township Business submitted the following report :

MR. SPEAKER :

Your Committee on County and Township Business, to whom was referred House Bill No. 305, have had the same under consideration, and directed me to report the same back to this House with the recommendation that it do pass.

Which report was concurred in, and the bill ordered to be engrossed.

The Committee on County and Township Business submitted the following report :

MR. SPEAKER :

Your Committee on County and Township Business, to whom was referred House Bill No. 329, entitled "An act to limit the powers of Township Trustees in incurring debts and requiring him to designate certain days for transacting township business," have had the same under consideration, and recommend that the following amendments : Strike out the three last lines in section 3, and when so amended, we recommend that the bill do pass.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Ramsey from the Committee on County and Township Business, submitted the following report :

MR. SPEAKER :

Your Committee on County and Township Business, to whom was referred House Bill No. 323, being an act prescribing the duties of County Commissioners in relation to the examination of the books and accounts of county officers, direct me to report the same back to the House with the following amendments thereto, to wit :

Add the following section : Section 3. Such County Commissioners shall examine and measure all work done by any county

officer, by themselves or attorneys before making allowance therefor.

With the recommendation that the same, when so amended, be passed.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Marvin of Boone, from the Committee on Benevolent and Scientific Institutions, submitted the following report.

MR. SPEAKER:

The Committee on Benevolent and Scientific Institutions, to whom was referred House Bill No. 221, introduced by Mr. Bence, entitled "An act to establish a State Board of Health; to provide for the appointment of a superintendent of vital statistics, and to assign certain duties to local Boards of Health," have had the same under consideration and instruct me to report that it is inexpedient to legislate on the subject at present, and recommend that the bill be laid upon the table.

Which report was concurred in, and the bill ordered to lie upon the table.

Engrossed Senate Bill No. 151 was read a second time and, on motion, referred to the Committee on Judiciary.

Engrossed Senate Bill No. 144 was read a second time and, on motion, referred to the Committee on Judiciary.

Engrossed Senate Bill No. 106 was read a second time and, on motion, referred to the Committee on County and Township Business.

Engrossed Senate Bill No. 141 was read a second time and, on motion, referred to the Committee on Judiciary.

Engrossed Senate Bill No. 32 was read a second time and, on motion, referred to the Committee on Scientific and Benevolent Institutions.

Leave of absence was granted Mr. Pate for one week.

Engrossed Senate Bill No. 157, was read a second time and, on motion, referred to the Committee on Education.

Engrossed Senate Bill No. 72, was read a second time and, on motion, referred to the Committee on Education.

Engrossed Senate Bill No. 121, was read a second time and, on motion, referred to the Committee on County and Township Business.

Engrossed Senate Bill No. 67, was read a second time and, on motion referred to the Committee on Banks.

Engrossed Senate Bill No. 89, was read a second time and, on motion, referred to the Committee on Rights and Privileges.

Engrossed Senate Bill No. 77, was read a second time and, on motion, referred to the Committee on Judiciary.

House Bill No. 394, introduced by Mr. Johnson of Dearborn, was read a second time and, on motion, referred to the Committee on Judiciary.

House Bill No. 395, introduced by Mr. Johnson of Dearborn, was read a second time and, on motion, referred to the Committee on Judiciary.

House Bill No. 396, introduced by Mr. Waterman, was read a second time and, on motion referred to the Committee on Cities and Towns.

House Bill No. 397, introduced by Mr. Clark, was read a second time and, on motion, referred to the Committee on Judiciary.

House Bill No. 398, introduced by Mr. McCord, was read a second time and, on motion, referred to the Committee on Education.

House Bill No. 389, was read a second time and, on motion of Mr. Marvin of Boone, ordered to be engrossed.

House Bill No. 390, introduced by Mr. Williams of Brown, was read a second time and, on motion, ordered to be engrossed.

House Bill No. 391, introduced by Mr. Bence, was read a second time and, on motion, referred to the Committee on Judiciary.

Leave of absence was granted Mr. Harris of Madison until to-morrow morning at 10 o'clock.

House Bill No. 392, introduced by Mr. Gossman, was read a second time and, on motion of Mr. Gossman, referred to the Committee on County and Township Business.

House Bill No. 393, introduced by Mr. Caldwell, was read a second time and, on motion of Mr. Caldwell, referred to the Committee on Judiciary.

House Bill No. 399, introduced by Mr. Ragan, was read a second time and, on motion, referred to the Committee on Agriculture.

House Bill No. 400, introduced by Mr. Forkner, was read a second time and, on motion, referred to the Committee on Cities and Towns.

House Bill No. 401, introduced by Mr. Darnall, was read a second time and, on motion, referred to the Committee on Corporations.

House Bill No. 402, introduced by Mr. Taylor of Tipton, was read a second time and, on motion, referred to the Committee on Judiciary.

House Bill No. 403, introduced by Mr. Taylor of Tipton, was read a second time and, on motion, referred to the Committee on Cities and Towns.

House Bill No. 404, introduced by Mr. Miller of Parke, was read a second time and, on motion, referred to the Committee on Ways and Means.

House Bill No. 405, introduced by Mr. Kennedy of Marion, was read a second time and, on motion referred to the Committee on Cities and Towns.

House Bill No. 406, introduced by Mr. Keightly, was read a second time and, on motion, referred to the Committee on Corporations.

House Bill No. 407, introduced by Mr. Reno, was read a second time and, Mr. Reno moved to suspend the rules that the bill be read a third time and put upon its passage.

The question being, shall the rules be suspended ?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bence, Brown of Rush, Caldwell, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Davison, Favorite, Forkner, Fulk, Gilbert, Gossman, Harris of Wayne, Havens, Haynes, Henderson, Hopkins, Horn, Jackson, Johnson of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, McCord, McFadden, McMichael, Nash, Pfafflin, Ramsey, Ragan, Reeder, Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wyzn and Mr. Speaker—71.

No one voting in the negative.

So the rules were suspended.

The bill was read a third time and put upon its passage.

The question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bence, Brown of Rush, Cald-



well, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Davison, Emerson, Favorite, Forkner, Fulk, Gilbert, Gossman, Harris of Wayne, Havens, Haynes, Henderson, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megen-ity, Miller of Parke, Montgomery, McCord, McFadden, Nash, Osborn, Pyeatt, Pfafflin, Ramsay, Ragan, Reeder, Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr. Speaker—72.

No one voting in the negative.

So the bill passed.

House Bill No. 408, introduced by Mr. Walz, was read a second time and, on motion, referred to the Committee on Roads.

House Bill No. 409, introduced by Mr. Pfafflin, was read a second time and, on motion, referred to the Committee on Banks.

House Bill No. 410, introduced by Mr. Harris, of Wayne, was read a second time and, on motion referred to the Committee on Corporations.

House Bill No. 411, was read a second time and, on motion, referred to the Committee on Judiciary.

House Bill No. 412, introduced by Mr. Jackson, was read a second time.

Mr. Jackson moved to suspend the rules, and that the bill be read a third time.

The question being shall the rules be suspended?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bence, Brown of Rush, Caldwell, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Davison,

Emerson, Favorite, Forkner, Fulk, Gilbert, Harris of Wayne, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Montgomery, Kennedy of Morgan, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, McCord, McFadden, McMichael, Nash, Osborn, Pyeatt, Pfafflin, Ramsey, Reeder, Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Walz, Washburn, Waterman, Willett, Williams of Lawrence and Woody—64.

*Those who voted in the negative were,*

Messrs. Law, Ragan, Thompson of Marion, Trusler, Williams of Brown and Wynn—6.

So the rules were not suspended, and the bill was referred to the Committee on Judiciary.

House Bill No. 413, introduced by Mr. Havens, was read a second time and, on motion, was referred to the Committee on Judiciary.

Engrossed Senate Bill No. 258, was read a third time, and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bence, Brown of Rush, Caldwell Charters, Clark, Collins, Crane, Crumpacker, Favorite, Fulk, Gilbert, Gossman, Harris of Wayne, Havens, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, McCord, McFadden, McMichael, Nash, Osborn, Pyeatt, Pfafflin, Ramsey, Reagan, Reeder, Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Taylor of Tipton,

Thomas, Thompson of Henry, Thompson of Marion, Trusler, Walz, Washburn, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn—67.

No one voting in the negative.

So the bill passed.

Mr. Collins was called to the chair.

Engrossed House Bill No. 245, introduced by Mr. Walz, was read a third time and put upon its passage.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Barney, Brown of Rush, Charters, Clark, Collins, Crane, Crumpacker, Davison, Favorite, Forkner, Fulk, Gilbert, Gossman, Harris of Wayne, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Megenity, Miller of Parke, Montgomery, McCord, McFadden, Osborn, Pyeatt, Pfafflin, Ramsey, Ragan, Reeder, Reno, Ribble, Romine, Roseberry, Shortridge, Shugart, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Walz, Washburn, Waterman, Williams of Brown, Williams of Lawrence, Woody and Wynn—61.

*Those who voted in the negative were,*

Messrs. Arnold, Bence, Caldwell, Kennedy of Marion, Marvin of Fountain, McMichael, Nash and Shaw—8.

So the bill passed.

Engrossed Joint Resolution No. 4, was read a third time, and put upon its passage.

The question being, shall the resolution pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bence, Brown of Rush, Caldwell, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Davison, Favorite, Forkner, Fulk, Gilbert, Gossman, Harris of Wayne, Havens, Haynes, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, McCord, McFadden, McMichael, Nash, Osborn, Pyeatt, Pfafflin, Ramsey, Ragan, Reeder, Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr. Speaker—73.

No one voting in the negative.

So the resolution passed.

Engrossed House Bill No. 23, introduced by Mr. Cantley, was read a third time, and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bence, Brown of Rush, Caldwell, Cantley, Clark, Collins, Crane, Crumpacker, Davison, Favorite, Forkner, Fulk, Gilbert, Gossman, Harris of Wayne, Havens, Haynes, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightley, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, McCord, McFadden, McMichael, Nash, Osborn, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twi-

bill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody and Wynn—75.

Mr. Charters voting in the negative.

So the bill passed.

Engrossed House Bill No. 202, introduced by Mr. Forkner, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Brown of Rush, Cantley, Clark, Collins, Crane, Crumpacker, Davison, Forkner, Fulk, Gilbert, Gossman, Harris of Wayne, Havens, Haynes, Henderson, Jackson, Johnson of Carroll, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Montgomery, McFadden, Osborn, Pyeatt, Pfafflin, Ragan, Reeder, Ribble, Shugart, Taylor of Tipton, Thompson of Henry, Thompson of Marion, Walz, Williams of Lawrence, Woody and Wynn—41.

*Those who voted in the negative were,*

Messrs. Bence, Caldwell, Favorite, Horn, Johnston of Dearborn, Law, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, McCord, McMichael, Nash, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Shortridge, Snyder, Taylor of Daviess, Thomas, Trusler, Washburn, Waterman, Willett and Williams of Brown—31.

So the bill failed to pass for want of a constitutional majority.

The Speaker resumed the chair.

Engrossed House Bill No. 108, introduced by Mr. Charters, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bence, Brown of Rush, Clark, Collins, Crane, Crumpacker, Favorite, Fulk, Gilbert, Harris of Wayne, Havens, Henderson, Horn, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Lincoln, Martin of Wells, Marvin of Boone, Marvin of Fountain, Miller of Parke, McCord, McFadden, McMichael, Nash, Osborn, Pyeatt, Ramsey, Ragan, Reddick, Reeder, Romine, Roseberry, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, and Wynn—51.

*Those who voted in the negative were,*

Messrs. Cantley, Davison, Forkner, Gossman, Haynes, Hopkins, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Martin of Franklin, Megenity, Montgomery, Pfafflin, Reno, Ribble, Taylor of Tipton, Thompson of Marion, Trusler, Walz, Washburn and Mr. Speaker—22.

So the bill passed.

The following message was received from the Senate, by the Clerk thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed Enrolled Act No. 213 of the House of Representatives. And the same is herewith transmitted to the House.

Engrossed House Bill No. 214, introduced by Mr. Clark, was read a third time, and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Bence, Brown of Rush, Caldwell, Charters, Clark, Collins, Crane, Crumpacker, Davison, Favorite

Forkner, Fulk, Gilbert, Havens, Haynes, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, McCord, McFadden, Nash, Osborn, Pyeatt, Pfafflin, Ragan, Reddick, Reeder, Ribble, Romine, Shaw, Shugart, Shortridge, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Marion, Trusler, Walz, Washburne, Williams of Lawrence, Woody and Mr. Speaker—62.

*Those who voted in the negative were,*

Messrs. Barney, Cantley, Gossman, Ramsey, Reno, Thompson of Henry, Willett, Williams of Brown, and Wynn—9.

So the bill passed.

Engrossed House Bill No. 227, introduced by Mr. Roseberry, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barney, Clark, Crumpacker, Davison, Fulk, Havens, Haynes, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Fountain, Osborn, Pyeatt, Roseberry, Shortridge, Shugart, Snyder, Taylor of Daviess, Thomas, Washburn, Willett and Williams of Lawrence—26.

*Those who voted in the negative were,*

Messrs. Ames, Arnold, Bence, Brown of Rush, Caldwell, Cantley, Charters, Collins, Crane, Favorite Forkner, Gilbert, Gossman, Harris of Wayne, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Law, Marvin of Boone, Megenity, Miller of Parke, Montgomery, McCord, McFadden, McMichael, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno,

Ribble, Romine, Shaw, Thompson of Henry, Thompson of Marion, Trusler, Walz, Williams of Brown, Woody, Wynn and Mr. Speaker—46.

So the bill did not pass.

House Bill No. 143, introduced by Mr. Gilbert, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Bence, Brown of Rush, Caldwell, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Davison, Favorite, Forkner, Fulk, Gilbert, Gossman, Harris of Wayne, Havens, Haynes, Henderson, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Miller of Parke, Montgomery, McCord, McFadden, Nash, Osborn, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shortridge, Shugart, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Marion, Trusler, Walz, Waterman, Willett, Williams of Lawrence, Woody and Mr. Speaker—64.

*Those who voted in the negative were,*

Messrs. Jackson, McMichael, Shaw, Snyder, Thompson of Henry, Washburn, Williams of Brown and Wynn—8.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Whereupon, Mr. Williams of Brown moved to strike out the title and substitute the following:

“An act appropriating money to pay the existing indebtedness of the State Normal School at Terre Haute, Indiana.”

Which amendment was adopted, and the title as amended ordered to stand as the title of the bill.



Engrossed House Bill No. 277, introduced by Mr. Kennedy of organ, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Arnold, Barney, Bence, Brown of Rush, Caldwell, Bentley, Clark, Crane, Davison, Favorite, Forkner, Fulk, Gilbert, Harris of Wayne, Havens, Henderson, Hopkins, Horn, Jackson, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lincoln, Martin of Franklin, Martin of Wells, Marvin Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, McCord, McFadden, Nash, Osborn, Pyeatt, Pfafflin, Ramsey, Ragan, Reddick, Reeder, Reno, Ribble, Roseberry, Shaw, Shortidge, Shugart, Taylor of Tipton, Thomas, Thompson of Marion, Tusler, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody and Wynn—60.

*Those who voted in the negative were,*

Messrs. Charters, Collins, Crumpacker, Gossman, Haynes, Johnson of Carroll, Johnston of Dearborn, Lanham, Law, Romine, Ryder, and Thompson of Henry—12.

So the bill passed.

Mr. Crane moved to adjourn.

Which motion did not prevail.

Engrossed House Bill No. 55, introduced by Mr. Barney, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Barney, Bence, Caldwell, Charters, Collins, Crane, Davison, Favorite, Forkner, Fulk, Gilbert, Gossman, Harris of

Wayne, Havens, Haynes, Hopkins, Jackson, Johnson of Carroll, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Martin of Wells, Megenity, Miller of Parke, McFadden, Nash, Osborn, Pyeatt, Pfafflin, Ragan, Reeder, Ribble, Roseberry, Shortridge, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Walz, Waterman, Willett, Williams of Brown, Williams of Lawrence and Wynn—49.

*Those who voted in the negative were,*

Messrs. Arnold, Brown of Rush, Cantley, Clark, Crumpacker, Fulk, Horn, Johnston of Dearborn, Lincoln, Martin of Franklin, Marvin of Boone, Marvin of Fountain, Montgomery, McCord, McMichael, Ramsey, Reddick, Reno, Romine, Shaw, Shugart, Thompson of Marion, Trusler, Washburn, Woody and Mr. Speaker—26.

So the bill failed to pass, for want of a constitutional majority.

On motion of Mr. Arnold the House adjourned until to-morrow morning, at 10 o'clock.

DAVID TURPIE,

Speaker.

TUESDAY MORNING.

FEBRUARY 16, 1875—10 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the chair.

The House was opened with prayer by Rev. Dr. Naylor.

The Journal of yesterday was read in part, when Mr. Arnold moved that the further reading thereof be dispensed with, which motion did not prevail, and the Journal was read in full and approved.

Mr. Marvin of Boone, from the Committee on Benevolent and Scientific Institutions, submitted the following report :

MR. SPEAKER :

The Committee on Benevolent and Scientific Institutions, to whom was referred memorial and resolution from the State Board of Agriculture on the question of Insane Asylum, have had the same under consideration and instruct me to report the same back to the House, and also report that this committee have already reported a bill on that subject which is in accordance with the request of this petition.

Which report was concurred in.

The Committee on Benevolent Institutions submitted the following report :

MR. SPEAKER :

The Committee on Benevolent Institutions, to whom was referred Senate Bill No. 32, entitled "A bill to limit appointments to office in the Punitive, Reformatory and Benevolent Institutions of this State recommend the following amendments :

Strike out in line one the words "a bill," and insert "an act."

In line three strike out the word "punitive," and insert the word "prison."

In line nine strike out the word "punitive" and insert the word "prison."

And when so amended the same do pass.

Which report was concurred in and the bill ordered engrossed.

Mr. Williams of Brown, from the Committee on Engrossed Bills submitted the following report :

MR. SPEAKER :

Your Committee on Engrossed Bills have carefully examined House Bills Nos. 16, 192, 242, 325, 350, 368 and also House Joint Resolution No. 8, and find the same in all things correctly engrossed.

Which report was concurred in.

Mr. Haynes, from the Committee on Roads, submitted the following report :

MR. SPEAKER :

Your Committee on Roads, to whom was referred House Bill No. 408, an act to regulate the vacation of abandoned plank roads, introduced by John Walz, have had the same under consideration, and instruct me to make the following report: That said bill be indefinitely postponed.

Which report was concurred in.

The following report was made from the Committee on Roads :

MR. SPEAKER :

Your Committee on Roads, to whom was referred House Bill No. 383, introduced by Mr. Glasgow, a bill to regulate the election and appointment of Supervisors, and prescribing their duties, have had the same under consideration, and after careful examination, instruct me to make the following report: That said bill be indefinitely postponed.

Which was, on motion of Mr. Dale, ordered to lie upon the table.

The following amendment was offered by Mr. Forkner :

Strike out all after the word "is," in line 2 on page 2, and insert the word "repealed."

Mr. Dale moved that the amendment and pending bill do lie upon the table.

Which motion prevailed.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representa-

tives that the Senate has passed the following Concurrent Resolution :

*Resolved*, That a Committee of thirteen be appointed, one from each Congressional District of the State, to act with a like Committee on the part of the House, to take into consideration the present law dividing the State into Judicial Circuits, and to ascertain whether the State can be redistricted so as to relieve the counties needing relief, without creating more Circuits, and to report by bill or otherwise ; and the House is respectfully asked to concur. And the same is herewith transmitted to the House for its action.

Mr. Kennedy of Montgomery, moved to suspend the order of business, and that House Bill No. 68 be taken up, considered engrossed and put upon its passage.

Mr. Marvin of Boone moved the previous question, which prevailed, and the bill was taken up and read a third time.

Mr. Clark offered the following amendment:

Amend section two, line five, by striking out "and passable in teams and loaded vehicles at all times."

Which was laid on the table.

Mr. Wynn moved to lay the bill upon the table and that it be made the special order for Friday afternoon at 2 o'clock.

Which motion did not prevail.

Mr. Harris of Madison, moved that it be indefinitely postponed.

Messrs. Reno and Kennedy of Marion, demanded the ayes and noes.

Mr. Caldwell moved the previous question.

*Those who voted in the affirmative were,*

Messrs. Ames, Bellows, Brown of Jasper, Brown of Rush, Caldwell, Collins, Crane, Crumpacker, Dale, Edwards, Emerson, Evans,  
H. J.—47

Fulk, Harper, Harris of Wayne, Haynes, Heller, Henderson, Horn, Keightly, Law, Leeper, Lincoln, Martin of Franklin, Marvin of Boone, Marvin of Fountain, Montgomery, McCord, McFadden, McMichael, Nash, Osborn, Patterson, Pyeatt, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Shortridge, Snyder, Taylor of Daviess, Thompson of Henry, Thompson of Marion, Trusler, Washburn, Williams of Brown, Woody and Mr. Speaker—51.

*Those who voted in the negative were,*

Messrs. Anderson, Arnold, Bence, Cantley, Charters, Clark, Darnall, Davison, Favorite, Forkner, Gilbert, Glasgow, Gossman, Havens, Heighway, Hopkins, Jackson, Johnson of Carroll Johnston of Dearborn, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Martin of Wells, Megenity, Miller of Parke, Miller of Vanderburgh, Pfafflin, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shugart, Taylor of Tipton, Thomas, Twibill, Walz, Waterman, Willett, Williams of Lawrence and Wynn—41.

So the bill was indefinitely postponed.

The Speaker laid before the House the following communication from Attorney General Buskirk :

OFFICE OF ATTORNEY GENERAL,

INDIANAPOLIS, Feb. 16, 1875.

MR. SPEAKER :

I have the honor to acknowledge the receipt of a copy of a resolution of the House of Representatives of the General Assembly of Indiana, of the 15th inst., which reads as follows:

*Resolved*, That the Attorney General be, and is hereby requested to advise the Indiana House of Representatives whether, in his opinion, it is essential to the validity of an act containing an emergency clause, that the title to said act contain the words "declaring an emergency," or other words indicating that an emergency is declared in the body of the act. I have the honor to state in answer

to the above inquiry, that in my opinion, it is unnecessary and superfluous to refer in the title of an act to an emergency clause in such act.

Very respectfully,

C. A. BUSKIRK,  
Attorney General.

Mr. Hopkins introduced

House Bill No. 414. An act to provide for the speedy collection of money due to laborers for labor performed by them for their employers.

Which was read a first time.

The Special House Committee on Apportionment submitted the following report:

MR. SPEAKER:

I am directed by the majority of the Special House Committee upon the subject of the apportionment of the State for legislative purposes, to report to the House for its consideration the following bill upon the subject, with the recommendation that it pass.

#### APPORTIONMENT HOUSE BILL NO. 415.

An act to amend the second and third sections of an act entitled "An act to fix the Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State, and declaring an emergency," which became a law by lapse of time, December 27, 1872.

SECTION 1. Be it enacted, by the General Assembly of the State of Indiana, that section two of the above entitled act be, and hereby is amended to read as follows, to wit:

SEC. 2. That the said Senators shall be apportioned among the several counties as follows, to wit:

The counties of Posey and Gibson shall elect.....	1
Vanderburgh.....	1

Warrick and Spencer.....	1
Knox and Pike.....	1
Sullivan and Clay.....	1
Green and Daviess.....	1
Martin, Lawrence and Orange.....	1
Dubois, Perry and Crawford.....	1
Harrison and Floyd.....	1
Clarke and Scott.....	1
Washington and Jackson.....	1
Bartholomew and Johnson.....	1
Brown, Monroe and Owen.....	1
Jefferson .....	1
Jennings and Decatur.....	1
Ripley and Switzerland.....	1
Ohio and Dearborn.....	1
Franklin and Fayette.....	1
Wayne and Union.....	1
Rush and Shelby .....	1
Henry .....	1
Madison and Hancock .....	1
Delaware and Grant.....	1
Howard and Tipton.....	1
Wabash and Miami.....	1
Randolph and Jay.....	1
Blackford, Wells and Adams.....	1
Huntington and Allen .....	1
Whitley and Kosciusko.....	1
Noble and DeKalb.....	1
Steuben and Lagrange.....	1
Elkhart .....	1
St Joseph and Stark.....	1
Laporte .....	1
Lake, Porter and Newton.....	1
Marshal and Fulton .....	1
Cass and Carroll.....	1
Boone and Clinton.....	1
Hamilton, Boone and Clinton.....	1
Tippecanoe .....	1
Jasper, Pulaski, White and Benton.....	1
Warren and Fountain .....	1
Parke and Vermillion .....	1



Montgomery .....	1
Hendricks and Morgan.....	1
Marion.....	2
Vigo .....	1
Putnam, Clay and Owen.....	1
Allen.....	1

SEC. 2. *Be it further enacted*, That Section three of the above entitled act be and the same hereby is amended to read as follows, to-wit:

SEC. 3. That said Representatives shall be apportioned among the several counties of the State in the following manner, to-wit:

The county of Posey shall elect.....	1
Vanderburgh .....	2
Warrick.....	1
Spencer.....	1
Perry .....	1
Knox .....	1
Sullivan.....	1
Green.....	1
Daviess.....	1
Pike.....	1
Dubois and Crawford.....	1
Orange and Martin.....	1
Dubois, Crawford, Orange and Martin.....	1
Harrison.....	1
Washington.....	1
Floyd.....	1
Clark .....	1
Floyd, Clark and Scott.....	1
Jefferson.....	1
Jackson.....	1
Bartholomew.....	1
Jennings.....	1
Ripley .....	1
Decatur.....	1
Rush .....	1
Dearborn.....	1
Switzerland and Ohio.....	1
Dearborn, Ripley and Franklin.....	1

Franklin.....	1
Wayne.....	2
Randolph.....	1
Fayette and Union.....	1
Johnson.....	1
Shelby .....	1
Hancock.....	1
Henry .....	1
Delaware .....	1
Madison.....	1
Grant .....	1
Madison, Grant, Delaware and Randolph.....	1
Putnam .....	1
Morgan .....	1
Hendricks .....	1
Marion.....	4
Shelby and Rush.....	1
Lawrence.....	1
Brown and Monroe....	1
Owen .....	1
Clay .....	1
Vigo.....	1
Parke.....	1
Vigo, Clay, Green, Sullivan and Knox.....	1
Boone, Clinton and Montgomery.....	1
Boone .....	1
Clinton .....	1
Montgomery .....	1
Tippecanoe.....	2
Fountain .....	1
Benton and Warren.....	1
Hendricks and Marion.....	1
Carroll .....	1
St. Joseph.....	1
Laporte.....	1
Porter.....	1
Lake and Newton.....	1
St. Joseph and Marshall.....	1
Marshall.....	1
Kosciusko .....	1
Laporte, Starke and Pulaski.....	1

Pulaski and Fulton.....	1
Jasper and White.....	1
Hamilton.....	1
Howard.....	1
Cass.....	1
Miami.....	1
Cass and Miami.....	1
Wabash.....	1
Tipton and Hamilton.....	1
Huntington, Wabash and Kosciusko.....	1
Allen.....	2
Huntington.....	1
Jay.....	1
Whitley.....	1
Allen and Adams.....	1
Wells and Blackford.....	1
Dekalb.....	1
Lagrange.....	1
Steuben.....	1
Noble.....	1
Elkhart.....	1
Noble and Elkhart.....	1
Gibson.....	2

When on motion of Mr. Lanham, the House adjourned until 2 o'clock this afternoon.

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#### AFTERNOON SESSION.

The House met pursuant to adjournment, the Speaker in the Chair.

Engrossed House Bill No. 265, introduced by Mr. Turpie, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bellows, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davison, Edwards, Emerson, Evans, Favorite, Fulk, Glasgow, Gossman, Harris of Madison, Harris of Wayne, Haynes, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McMichael, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Thomas, Thomson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Willett, Williams of Brown, Williams of Lawrence, Wynn and Mr. Speaker—83.

Mr. Law voted in the negative.

So the bill passed.

Engrossed House Bill No. 269, introduced by Mr. Pyeatt, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crumpacker, Dale, Darnall, Davison, Davis, Edwards, Emerson, Evans, Favorite, Fulk, Glasgow, Harris of Madison, Harris of Wayne, Haynes, Highway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden,

Nash, Osborn, Patterson, Pyeatt, Pafflin, Ramsey, Ratliff, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shortridge, Shugart, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr. Speaker—85.

*Those who voted in the negative were,*

Messrs. McMichael, Shaffer, Shaw, Trusler—4.

So the bill passed.

Mr. Lanham, from the Committee on Engrossed Bills, submitted the following report:

**MR. SPEAKER:**

Your Committee on Engrossed Bills have compared Engrossed House Bill No. 172 with the original copy, and find the same in all respects correctly engrossed.

Which report was concurred in.

Mr. Leeper, from the Committee on Engrossed Bills, submitted the following report:

**MR. SPEAKER:**

The Committee on Engrossed Bills would respectfully report that they have carefully compared Engrossed House Bill No. 261 with the original, and find the same in all things correctly engrossed.

Which report was concurred in.

Mr. McFadden introduced

House Bill No. 416. A bill for the incorporation of mercantile companies.

Which was read a first time.

Mr. Thompson of Henry, introduced

House Bill No. 417. An act to exempt benefits and interests of wives, children, and dependents of Masonic, Odd Fellows, and other charitable societies, and of mutual insurance societies, from the claims of creditors, and exempting certain policies of life insurance from the claims of creditors.

Which was read a first time.

Engrossed House Bill No. 275, introduced by Mr. Brown of Jasper, was read a third time.

Mr. Havens moved to make it the special order for Friday next, at 2 o'clock p. m.

Mr. McMichael moved that the motion of Mr. Havens do lie upon the table.

Messrs. Havens and Lanham demanded the ayes and noes.

The question being, shall the motion lie upon the table?

*Those who voted in the affirmative were,*

Messrs. Arnold, Brown of Rush, Burson, Davison, Davis, Forkner, Harris of Madison, Haynes, Horn, Johnson of Carroll, Keightly, Martin of Wells, Montgomery, McMichael, Roseberry, Snyder, Washburn and Mr. Speaker—18.

*Those who voted in the negative were,*

Messrs. Ames, Anderson, Barney, Bellows, Bence, Brown of Jasper, Caldwell, Cantley, Charters, Clark, Collins, Crane, Crum-packer, Dale, Darnall, Edwards, Emerson, Evans, Favorite, Fulk, Gilbert, Gossman, Havens, Harris, of Wayne, Heighway, Heller, Henderson, Hopkins, Jackson, Johnston of Dearborn, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh,

Morgan, McCord, McFadden, Nash, Osborn, Patterson, Pyeatt Pfafflin, Ramsey, Ratliff, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Shaw, Shortridge, Shugart, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Waterman, Willett, Williams of Brown, Williams of Lawrence and Woody—74.

So the motion of Mr. Havens did not lie upon the table.

Mr. Woody moved to amend the motion of Mr. Havens by fixing Tuesday next at 2 o'clock p. m., as the time.

Which motion prevailed, and the bill was made the special order for Tuesday next at 2 o'clock p. m.

Mr. Forkner asked the unanimous leave of the House to present a resolution, but as objections were made, the resolution was withdrawn.

House Bill No. 282, introduced by Mr. Martin of Wells, was read a third time.

Mr. Horn moved that the bill do lie upon the table.

Messrs. Martin of Wells, and McMichael demanded the ayes and noes.

The question being, shall the bill lie on the table?

*Those who voted in the affirmative were,*

Messrs. Bellows, Brown of Rush, Burson, Cantley, Collins, Crane, Crumpacker, Davis, Edwards, Evans, Forkner, Gossman, Harris of Madison, Henderson, Horn, Jackson, Kennedy of Marion, Lanham, Law, Leeper, Lincoln, Marvin of Boone, Marvin of Fountain, Miller of Vanderburgh, Morgan, McFadden, Patterson, Pfafflin, Roseberry, Snyder, Thompson of Henry, Walz and Mr. Speaker—33.

*Those who voted in the negative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bence, Brown of Jasper, Charters, Clark, Dale, Darnall, Davison, Emerson, Favorite,

Fulk, Gilbert, Harris of Wayne, Havens, Heighway, Hopkins, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Montgomery, Kennedy of Morgan, Martin of Franklin, Martin of Wells, Megenity, Miller of Parke, Montgomery, McCord, McMichael, Nash, Osborn, Pyeatt, Ramsey, Ratliff, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Shaffer, Shaw, Shortridge, Shugart, Taylor of Daviess, Thomas, Thompson of Marion, Trusler, Twibill, Washburn, Willett, Williams of Brown, Williams of Lawrence, Woody and Wynn—57.

So the bill did not lay on the table.

Mr. Dale moved that the bill be indefinitely postponed.

Which motion prevailed, and the bill was indefinitely postponed.

Engrossed House Bill No. 284, was read a third time and put upon its passage.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Barney, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davis, Davison, Edwards, Emerson, Evans, Favorite, Fulk, Gilbert, Glasgow, Gossman, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ratliff, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Thomas, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Wynn and Mr. Speaker—85.



*Those who voted in the negative were,*

Messrs. Forkner, Lincoln and Thompson of Henry—3.

So the bill passed.

**SPECIAL ORDER.**

The hour having arrived for the consideration of House Bill No. 247, the same was taken up and read a third time.

The question being, shall the bill pass?

Mr. Williams of Brown offered the following amendment :

“I move to recommit, with instructions to amend by striking out ‘\$8,000’ and inserting ‘\$5,000.’”

Mr. Thomas offered the following amendment to the amendment:

“I move to recommit in order to amend, by reducing the salary to ‘\$2,000.’”

Mr. Arnold moved the previous question.

Which motion prevailed.

The question being, shall the amendment to the amendment be adopted, the same was not adopted,

The question recurring on the adoption of the amendment offered by Mr. Williams of Brown, the same was not adopted.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Arnold, Barney, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crumpacker, Dale Darnall, Davison, Davis, Emerson Evans,

Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harris of Madison, Harris of Wayne, Havens, Haynes, Heller, Henderson, Hopkins, Jackson, Keightley, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Fountain, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McFadden, Nash, Osborn, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reeder, Reno, Ribble, Romine, Shaffer, Shaw, Shortridge, Shugart, Snyder, Taylor of Daviess, Taylor of Tipton, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Willett, Williams of Lawrence, Woody, Wynn and Mr. Speaker—77.

*Those who voted in the negative were,*

Messrs. Bellows, Edwards, Heighway, Horn, Johnson of Carroll, Johnston of Dearborn, Law, Leeper, Marvin of Boone, Megenity, McCord, McMichael, Patterson, Roseberry, Thomas and Williams of Brown—16.

So the bill passed.

Mr. Glasgow was called to the Chair.

House Bill No. 345, introduced by the Committee on Education, was taken up.

Mr. Burson offered the following amendment :

To amend section six of said bill as follows: Strike out all that part of the section after the word "superintendent," in the first line, to, and to include the words "shall superintend," in line fourteen.

To amend section forty-three of the bill as follows: Strike out all that part of the section after the word "more," in line three, to, and to include the word "school," in line six; and to strike out all that part of said section after the word "may," in line nine, to, and to include the word "act," in line ten.

Mr. Williams of Brown offered the following amendment to the amendment:

I move to recommit to amend the first section by striking out all from the word "who," in line four, to the word "teacher," in line five, inclusive; and by striking out all from the word "and," in line thirteen, to the word "superintendent," in line fourteen of same section, also by placing a period (.) after the word "same," in line twenty-nine, and a capital "A" at the beginning at the word "and," immediately thereafter.

Amend section 37 by inserting the words "to be paid before such examination takes place," immediately after the word "dollar" in line five, page three.

Amend section 43 by striking out the word "four" in line one, page three, and inserting in lieu thereof the word "three."

Amend same section by striking out all from the word "three" in line three, page three, to the word "school" in line six, page three inclusive.

Amend supplemental section six by striking out all from the word "the," in line one, to the word "same," in line fourteen, page four inclusive.

Mr. Shaffer moved to lay the amendment to the amendment on the table.

Messrs. Willett and Trusler demanded the ayes and noes.

The question being, shall the amendment lie on the table?

*Those who voted in the affirmative were,*

Messrs. Ames, Anderson, Crumpacker, Darnall, Emerson, Favorite, Forkner, Gilbert, Glasgow, Havens, Hopkins, Kennedy of Morgan, Lincoln, Martin of Wells, Miller of Vanderburgh, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shugart, Snyder, Twibill, Walz, Woody and Wynn—26.

*Those who voted in the negative were,*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Dale,

Davison, Davis, Edwards, Evans, Fulk, Gossman, Harris of Madison, Harris of Wayne, Haynes, Heighway, Heller, Henderson, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Lanham, Law, Leeper, Martin of Franklin, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Pyeatt, Pfafflin, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Shortridge, Taylor of Daviess, Thompson of Henry, Thompson of Marion, Trusler, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence—66.

So the amendments did not lie on the table.

The following message was received from the Governor.

**MR. SPEAKER:**

By direction of the Governor, I have the honor to respectfully inform the House of Representatives that he has approved and signed enrolled House Bill numbered 365, entitled "An act authorizing the Boards of Commissioners of counties where contracts have been made for the crection of court houses and other public improvements, and where the proceeds of the sale of bonds of one per centum on the assessed valuation of the property of such counties is insufficient to complete such buildings and other improvements, to issue and sell county bonds to an amount not exceeding one half of one per centum on the assessed valuation of the property of such counties, in addition to any bonds which may have heretofore been issued and sold, and declaring an emergency;" that the same was so approved and signed February 12, 1875.

Also, that he did, on this day, approve and sign enrolled House Bill numbered 213, entitled "An act to legalize taxes for 1874, of the incorporated town of Auburn, in DeKalb county, Indiana, and the proceedings of the proper officers in relation thereto, and to empower the proper officers to collect said taxes, and declaring an emergency," and that he has caused the same to be deposited in the office of the Secretary of State.

I am also directed by the Governor to transmit his communication relative to the work of the "Commission for the improvement

of the Ohio river and its tributaries." A copy of said communication has been this day transmitted to the Senate.

SAMUEL R. DOWNEY.

Private Secretary.

EXECUTIVE DEPARTMENT,  
INDIANAPOLIS, FEBRUARY 16, 1875.

TO THE GENERAL ASSEMBLY :

My predecessor appointed, Messrs. O. P. Cobb, of Auroro, Charles H. Meekin, of New Albany, Charles H. Mason, of Cannelon, J. A. Lemke, of Evansville, and Laz. Noble, of Vincennes, commissioners on the part of this State, to co-operate with commissioners in like manner appointed for the State of Ohio, Pennsylvania, Kentucky, Illinois, West Virginia and Tennessee, to secure the aid of the United States in the improvement of the Ohio river and its principal tributaries. The appointment of the commissioners from this State, does not impart that they shall receive any compensation for their services. They have incurred personal expense for printing, stationery and otherwise, which they ask that you will provide for.

I submit for your consideration their memorial, in which they speak of the importance of the work, of their efforts to promote it, and of the expenses which they have incurred.

I also submit a communication on this subject, from Mr. Lemke, one of the commissioners, and a resolution adopted by the Board composed of the commissioners from the States above mentioned.

In view of the importance of this subject, and the advantage of co-operation with the other States, that are specially interested in the improvement of the Ohio river, I respectfully recommend that a small appropriation be made towards the expenses which the commissioners must incur.

THOMAS A. HENDRICKS,

Governor.

## IMPROVEMENT OF THE OHIO RIVER AND ITS TRIBUTARIES.

*To the Honorable Senators and Representatives of the State of Indiana:*

The undersigned Commissioners appointed in behalf of the State of Indiana, in the Commission for the Improvement of the Ohio River and its tributaries, respectfully submit the following facts for your consideration:

The ever increasing importance of improving the navigability of the Ohio river and its tributaries, has for a number of years received the earnest consideration of many of the leading public men of the Mississippi Valley. In February, 1872, a convention of all persons interested in the improvement of the river, was called to meet in Covington, Ky., which brought together many prominent business men from all the States bordering on the river from its source to its mouth. As a result of their deliberations a Commission was planned to be composed of five Commissioners from each one of the States, viz: Pennsylvania, West Virginia, Ohio, Indiana, Kentucky, Illinois, and Tennessee, to be appointed by the respective Governors of such States. In pursuance of the plan, the several Governors appointed Commissioners. Governor Baker appointed the undersigned on the part of Indiana, and they have held the appointment up to the present time.

The Commissioners so appointed subsequently met in Cincinnati, Ohio, and organized by electing ex-Governor J. K. Moorhead, of Pennsylvania, President, and proceeded at once to carry forward the objects for which they were chosen, viz: To devise plans to secure the favorable action of Congress in the important matter of improving the Ohio river and its principal tributaries, with the view of cheapening transportation. In furtherance of this purpose, measures were taken to ascertain, as nearly as possible, the best methods of effecting so desirable an object, and the prominent facts concerning the vast demands of the trade and commerce in the district of country bordering on these rivers, and to present them before Congress to show the importance of the proposed improvement of these great arteries of traffic and travel, and the necessity for making adequate appropriations to render their navigation commensurate with the demands for transportation through their several channels.

The Commissioners have held meetings every few months, to further these aims. They have memorialized Congress twice; they have held meetings in Washington City, and appeared before the Congressional Committees having charge of such affairs, and laid before them a vast array of facts bearing upon the proposed improvement. They have secured some favorable action on the part of Congress, yet much remains to be done.

The Ohio river, it will be seen, forms the southern boundary of the State of Indiana, and furnishes an outlet or means for moving a very large proportions of the productions of the southern half of the State, amounting, it is estimated, annually to forty or fifty millions of dollars, to say nothing of the increasing traffic. This is sufficient to show the great value of the river to the people of that section of the State as a means of transportation for their productions.

These facts are submitted to inform you of the labors imposed on and expected from the Commissioners, and to enable you to judge of the importance of continuing their existence. The State of Indiana is equally interested with the other six States in the proposed improvement, and her co-operation with them in the movement may be regarded as due to them, on the ground of comity, aside from the public benefits to accrue from it.

The undersigned Commissioners have hitherto borne their own expenses in attending meetings of the Commission, besides contributing, per capita, to pay the general expenses for printing, stationery, etc. In all the other States interested, appropriations have been made to defray the actual expenses incurred by their respective Commissioners, and justice to us would seem to require that a limited appropriation be made by you to reimburse us for such necessary expenses as may have been, or may hereafter be, incurred in the discharge of our respective duties.

Respectfully submitted,

O. P. COBB of Aurora,

CHARLES H. MEEKER, of New Albany,

CHARLES S. MASON of Cannelton,

J. A. LEMKE of Evansville,

LAZ. NOBLE of Vincennes,

Commissioners.

Copy of communication to the Governor :

EVANSVILLE, IND., December 26, 1874.

To His Excellency, GOVERNOR HENDRICKS :

SIR—Conrad Baker, when Governor of Indiana, appointed an "Ohio River Commission," consisting of five members, to look after the improvement of the Ohio through federal legislation; the said Commission, together with similar commissions from Pennsylvania, Ohio, Kentucky and Illinois, have since then persistently kept the subject before Congress, and have attained valuable and practical results, and a feeling of encouragement prevails amongst them; but they need money to pay traveling expenses, stationery and postage. Thus far all such disbursements have come from their own pockets, and while they are willing to continue giving the State their time and work gratis, they are not disposed further to pay necessary expenses attending meetings, etc.

I would therefore, for myself and the other members of the Commission, ask of your Excellency, if compatible with your views, to recommend to the Legislature an appropriation of say two or three thousand dollars, for the foregoing purposes. Pennsylvania and Ohio have both appropriated money for their commissions.

Very respectfully,

J. A. LEMKE,

Commissioner for Improvement Ohio River.

WHEREAS, The States of Pennsylvania and Ohio, represented on this commission, have, through their Legislature appropriated respectively the sums of \$3,000 and \$2,000 for the purpose of meeting the actual expenses of the Commissioners representing them; and,

WHEREAS, The other States represented on said Commission, a like appropriation; therefore,

*Be it Resolved*, That the Legislatures of the States of Indiana, Illinois, Kentucky, Tennessee and West Virginia be requested through the Commissioners representing them in this Board, to enact such Legislation as will secure an equal financial status to their Commissioners on this Commission.



The Speaker resumed the chair.

On motion of Mr. Twibill, the House adjourned until to-morrow morning at 10 o'clock.

DAVID TURPIE,

Speaker.

### WEDNESDAY MORNING.

FEBRUARY 17, 1875, 10 O'CLOCK.

The House met pursuant to adjournment, the Speaker in the Chair.

The Journal of yesterday was read in part, when on motion of Mr. Heller, the further reading thereof was dispensed with.

Mr. Heller offered the following resolution :

Pursuant to a Joint Resolution passed by this General Assembly, providing that the two Houses of this General Assembly meet in joint convention on the seventeenth day of February, eighteen hundred and seventy-five, at ten o'clock a. m., for the purpose of electing certain officers therein named ; therefore,

*Resolved*, That a committee of two be appointed to invite the Senate to meet us in joint session at the specified time and for the purpose above stated.

Which resolution was adopted.

And the Speaker appointed Messrs. Heller and Forkner as said Committee.

Mr. Burson offered the following resolution :

*Resolved*, That the Committee on Ways and Means be and said

committee is hereby required and instructed to report to the House the bill for the necessary appropriations for the years 1875 and 1876, by 2 o'clock next Tuesday.

Which resolution was adopted.

Mr. Trusler introduced the following resolution :

*Resolved*, That the Engrossing Clerk be requested to engross House Bill No. 288, and to deliver up the same to the Committee on Engrossed Bills, and that said committee be requested to report said bill to the House on to-morrow.

Which was adopted.

Mr. Forkner offered the following resolution :

WHEREAS, The House of Representatives has heretofore passed a bill fixing the number of Prison Directors for the prisons of the State at three instead of six, as now provided by law, which said bill is now pending before the Senate ; and,

WHEREAS, The time of election of said officers, with a number of others, has heretofore been fixed for to-day by a resolution of the two Houses ; and,

WHEREAS, Said election ought not to be had until the Senate shall have had time to consider said bill ; therefore,

*Resolved by the House of Representatives, the Senate concurring*, That the time of election of all officers to be elected by this General Assembly be postponed until the 25th day of February inst.

Mr. Havens moved to lay the resolution on the table.

Messrs. Forkner and Crumpacker demanded the ayes and noes.

The question being, shall the resolution lie upon the table ?

*Those who voted in the affirmative were,*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davison, Edwards, Evans, Gil-

bert, Gossman, Harris of Madison, Havens, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Keightly, Kennedy of Marion, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, McMichael, Nash, Osborne, Patterson, Pyeatt, Pfafflin, Ramsey, Reddick, Reno, Romine, Shaw, Snyder, Taylor of Daviess, Thomas, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown, and Mr. Speaker—54.

*Those who voted in the negative were,*

Messrs. Anderson, Brown of Jasper, Charters, Clark, Crumpacker, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Glasgow, Harris of Wayne, Haynes, Heighway, Jackson, Johnston of Dearborn, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Miller of Parke, Morgan, McFadden, Ratliff, Reeder, Ribble, Roseberry, Shaffer, Shortridge, Shugart, Smith, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—38.

So the resolution was ordered to lay upon the table.

Mr. Marvin of Boone, moved a call of the House :

*Those who answered to their names were,*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davison, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glassgow, Gossman, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ratliff, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz,

Washburn, Waterman, Willett, Williams of Brown Williams of Lawrence, Woody, Wynn and Mr. Speaker—91.

Mr. Woody moved that the further proceedings under the call of the House be dispensed with.

Which motion prevailed.

The following report was submitted from the Committee on Enrolled Bills :

MR. SPEAKER :

The Committee on Enrolled Bills would respectfully report that they have compared Enrolled Senate Bill No. 191, entitled an act to amend section fifty-one of an act entitled "An act to divide the State into circuits for judicial purposes; fixing the time of holding Courts therein; abolishing the Courts of Common Pleas, and transferring the business thereof to the Circuit Courts, and providing for the election of Judges and Prosecuting Attorneys in certain cases," with the engrossed copy thereof, and find the same correctly enrolled.

Which was concurred in.

#### SPECIAL ORDER.

The hour of 10 o'clock having arrived, being the time fixed by the two Houses for the election of three Directors of the State Prison North, one Director of the State Prison South, to succeed John Kirk, one Director of the State Prison South to succeed B. F. Hill, one Trustee of the Deaf and Dumb Asylum, one Trustee of the Soldiers' Orphans' Home, one Trustee of the Insane Asylum, and one State Librarian.

The members of the Senate came into the Hall of the House of Representatives, and were seated on the right of the Speaker.

Hon. Leonidas Sexton, President of the Senate, took the chair and called the Joint Convention to order.

A call of the Senate being ordered,

*Those who answered to their names were,*

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Friedly of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Roe, Sarnighausen, Scott, Skinner, Slater, Sleeth, Smith, Stockslager, Thompson, Tobin, Underwood, Wilson and Winterbotham—50.

A call of the House being ordered,

*Those who answered to their names were,*

Messrs. Anderson, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davison, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harris of Madison, Harris of Wayne, Havens, Haynes, Heighway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr. Speaker—96.

Senator Bell nominated W. T. Pratt for the office of Director of the State Prison North.

Mr. Thompson of Henry nominated William Rieman for the same office.

*Those who voted for W. T. Pratt, on the part of the House, were,*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davison, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willet, Williams of Brown, and Mr. Speaker—57.

*Those who voted for W. T. Pratt, on the part of the Senate, were,*

Messrs. Bell, Boone, Bowman, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Henderson, Hendricks, Humphreys, Johnson of Floyd, Maxwell, Peed, Ringo, Sarnighansen, Skinner, Slater, Smith, Stockslager, Wilson and Winterbotham—23.

*Those who voted for Wm. Rieman, on the part of the House, were,*

Messrs. Ames, Anderson, Brown of Jasper, Charters, Clark, Crumpacker, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Glasgow, Harris of Wayne, Heighway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Miller of Parke, Miller of Vanderburgh, Morgan, McFadden, Pfafflin, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shortridge, Shugart, Smith, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—41.

*Those who voted for Wm. Rieman, on the part of the Senate, were,*

Messrs. Baxter, Beardsley, Bearss, Bunyan, Cardwell, Chapman, Cree, Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Hough, Howard, Johnston of Parke, LaRue, Major, Neff, Oliver, Rhodes, Roe, Scott, Sleeth, Thompson, Tobin and Underwood—27.

Whole number of votes cast for William T. Pratt, on the part of the Senate.....	23
On the part of the House.....	57

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Total vote for William T. Pratt.....	80
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Whole number of votes cast for William Rieman, on the part of the Senate.....	27
On the part of the House.....	41

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Total vote for William Rieman.....	68
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Whole number of votes cast.....	148
Necessary to a choice.....	75

Wm. T. Pratt, having received a majority of all the votes cast, the President of the Senate declared him duly elected to the office of Director of the State Prison, North.

Mr. Willett put in nomination H. E. Wadswort, for the office of Director of the State Prison North.

Mr. Thompson of Henry nominated John W. Jamison for the same office.

*Those who voted for H. E. Wadsworth, on the part of the House, were,*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davison, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnston of Dear-Keightly, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Snyder. Taylor of Daviess, Thompson of Marion, Walz, Washbusn, Waterman, Willett, Williams of Brown and Mr. Speaker—57.

*Those who voted for H. E. Wadsworth, on the part of the Senate, were,*

Messrs. Bell, Boone, Bowman, Culbertson, Davidson, Dykeman,

Givan, Grove, Harney, Henderson, Hendricks, Humphreys, Johnson of Floyd, Maxwell, Reed, Ringo, Sarnighausen, Skinner, Slater, Smith, Stockslager, Wilson and Winterbotham—23.

*Those who voted for John W. Jamison on the part of the House were,*

Messrs. Anderson, Brown of Jasper, Charters, Clark, Crum-  
packer, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Glasgow,  
Harris of Wayne, Heighway, Jackson, Kennedy of Montgomery,  
Kennedy of Morgan, Lanham, Lincoln, Miller of Parke, Miller of  
Vanderburgh, Morgan, McFadden, Pfafflin, Ratliff, Ragan, Reeder,  
Ribble, Shaffer, Shortridge, Shugart, Smith, Taylor of Tipton,  
Thomas, Thompson of Henry, Trusler, Twibill, Williams of Law-  
rence, Woody and Wynn—41.

*Those who voted for John W. Jamison on the part of the Senate were,*

Messrs. Baxter, Beardsley, Bearss, Bunyan, Cardwell, Chapman,  
Cree, Daggy, Friedley of Lawrence, Friedley of Scott, Gooding,  
Hackleman, Haworth, Hough, Howard, Johnston of Parke, LaRue,  
Major, Neff, Oliver, Rhodes, Roe, Scott, Sleeth, Thompson, Tobin  
and Underwood—27.

Whole number of votes cast for H. E. Wadsworth on the part of the Senate.....	23
On the part of the House.....	57
	—
Total vote for H. E. Wadsworth.....	80

Whole number of votes cast for John W. Jamison on the part part of the Senate.....	27
On the part of the House.....	41
	—
Total vote for John W. Jamison.....	68

Whole number of votes cast one hundred and forty-eight.

Necessary to a choice, seventy-five.

H. E. Wadsworth having received a majority of all the votes  
cast, the President of the Senate declared him duly elected to the  
office of Director of the State Prison North.



Senator Bell nominated Theodore Davenport for the office of Director of the State Prison North.

Mr. Thompson of Henry, nominated Allen Smith for the same office.

*Those who voted for T. Davenport, on the part of the House, were,*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davison, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Ramsey Reddick, Reno, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—57.

*Those who voted for Mr. T. Davenport, on part of the Senate were,*

Messrs. Bell, Boone, Bowman, Cardwell, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Henderson, Hendricks, Humphries, Johnson of Floyd, Maxwell, Peed, Ringo, Sarnighausen, Skinner, Slater, Smith, Stockslager, Wilson and Winterbotham—24.

*Those who voted for Allen Smith on the part of the House were,*

Messrs. Ames, Anderson, Brown of Jasper, Charters, Clark, Crumpacker, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Glasgow, Harris of Wayne, Heighway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Miller of Parke, Miller of Vanderburgh, Morgan, McFadden, Pfafflin, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shortridge, Shugart, Smith, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—41.

*Those who voted for Allen Smith, on the part of the Senate were,*

Messrs. Baxter, Beardsley, Bearss, Bunyan, Chapman, Cree,

Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Hough, Howard, Johnston of Parke, LaRue, Major, Neff, Oliver, Rhodes, Roe, Scott, Sleeth, Thompson, Tobin, Underwood—26.

Whole number of votes cast for Theodore Davenport, on the part of the Senate.....	24
On the part of the House.....	57
	—
Total vote for Theodore Davenport.....	81

Whole number of votes cast for Allen Smith on the part of the Senate.....	26
On the part of the House.....	41
	—
Total vote for Allen Smith.....	67

Whole number of votes cast, one hundred and forty-eight. Necessary to a choice, seventy-five.

Theodore Davenport having received a majority of all the votes cast, the President of the Senate declared him duly elected to the office of Director of the State Prison North.

Senator Johnson of Floyd nominated James Keigwin for the office of Director of the State Prison South, to succeed John Kirks.

Senator Cardwell nominated Daniel Brewer for the same office.

*Those who voted for James Keigwin, on the part of the House, were,*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davison, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman Willett, Williams of Brown, and Mr. Speaker—57.

*Those who voted for James Keigwin, on the part of the Senate, were*

Messrs. Bell, Boone, Bowman, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Henderson, Hendricks, Humphreys, Johnson of Floyd, Maxwell, Reed, Ringo, Sarnighausen, Skinner, Slater, Smith, Stockslager, Wilson—23.

*Those who voted for Mr. Brewer, on the part of the House, were*

Messrs. Ames, Anderson, Brown of Jasper, Charters, Clark, Crumpacker, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Glasgow, Harris of Wayne, Heighway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Miller of Parke, Miller of Vanderburgh, Morgan, McFadden, Pfafflin, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shortridge, Shugart, Smith, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—41.

*Those who voted for Daniel Brewer, on the part of the Senate were,*

Messrs. Baxter, Beardsley, Bearss, Bunyan, Cardwell, Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Hough, Howard, Johnston of Parke, LaRue, Major, Neff, Oliver, Rhodes, Roe, Scott, Sleeth, Thompson, Tobin and Underwood—27.

Whole number of votes cast for James Keigwin, on the part of	
Senate.....	23
On the part of the House .....	57
	—
Total vote for James Keigwin.....	80

Whole number of votes cast for Daniel Brewer, on the part of	
the Senate .....	27
On the part of the House .....	41
	—
Total vote for Daniel Brewer.....	68

Whole number of votes cast, one hundred and forty-eight; necessary to a choice, seventy-five.

James Keigwin having received a majority of all the votes cast, the President of the Senate declared him duly elected to the office of Director for the State Prison South, to succeed John Kirk.

Senator Peed nominated Dr. William P. Hammond for the office of Director of State Prison South, to succeed B. F. Hill.

Senator Cardwell nominated Luke Thomas for the same office.

*Those who voted for Wm. P. Hammond, on the part of the House, were,*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davison, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—57.

*Those who voted for Wm. P. Hammond, on the part of the Senate, were,*

Messrs. Bell, Boone, Bowman, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Henderson, Hendricks, Humphries, Johnson of Floyd, Maxwell, Peed, Ringo, Sarnighausen, Skinner, Slater, Smith, Stockslager, Wilson and Winterbotham—23.

*Those who voted for Luke Thomas, on the part of the House, were*

Messrs. Ames, Anderson, Brown of Jasper, Charters, Clark, Crumpacker, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Glasgow, Harris of Wayne, Heighway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Miller of Parke, Miller of Vanderburgh, Morgan, McFadden, Pfaffin, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shortridge, Shugart, Smith, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—41.

*Those who voted for Luke Thomas, on the part of the Senate were,*

Messrs. Baxter, Bearsley, Bearss, Bunyan, Cardwell, Chapman, Cree, Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Hough, Howard, Johnston of Parke, LaRue, Major, Neff, Oliver, Rhodes, Roe, Scott, Sleeth, Thompson, Tobin, Underwood—27.

Whole number of votes cast for William P. Hammond on the part of the Senate.....	22
On the part of the House.....	57

---

Total number of votes for William P. Hammond..... 80

Whole number of votes cast for Luke Thomas on the part of the Senate.....	27
On the part of the House.....	41

---

Total number votes cast for Luke Thomas..... 68

Whole number of votes cast, one hundred and forty-eight.

Necessary to a choice, seventy-five.

William P. Hammond having received a majority of all votes cast, the President of the Senate declared elected to the office of Prison Director, for the State Prison South, to succeed B. F. Hill.

Senator Bell nominated Dr. Milton James, for the office of Trustee of the Deaf and Dumb Asylum.

Senator Cardwell nominated Henry S. Shinkard for the same office.

*Those who voted for Milton James, on the part of the House were,*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davison, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnston

of Dearborn, Keightly, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—57.

*Those who voted for Milton James, on the part of the Senate were,*

Messrs. Bell, Boone, Bowman, Chapman, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Henderson, Hendricks, Humphreys, Johnson of Floyd, Maxwell, Peed, Ringo, Sarnighausen, Skinner, Slater, Smith, Stockslager, Wilson and Winterbotham—24.

*Those who voted for Henry S. Slinkard on the part of the Senate were,*

Messrs. Baxter, Beardsley, Bearss, Bunyan, Cardwell, Cree, Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Hough, Howard, Johnston of Parke, LaRue, Major, Neff, Oliver, Rhodes, Roe, Scott, Sleeth, Thompson, Tobin and Underwood—26.

*Those who voted for Henry S. Slinkard, on the part of the House were,*

Messrs. Ames, Anderson, Brown of Jasper, Charters, Clark Crumpacker, Dale, Darnell, Emerson, Favorite, Forkner, Fulk, Glasgow, Harris of Wayne, Highway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Miller of Parke, Miller of Vanderburgh, Morgan, McFadden, Pfafflin, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shortridge, Shugart, Taylor of Tip-ton, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—41.

Whole number of votes cast for Milton James, on the part of the Senate.....	24
On the part of the House.....	57
	—
Total number of votes for Milton James.....	81

Whole number of votes cast for Henry S. Slinkard, on the part of the Senate.....	26
On the part of the House.....	41
	—
Total number of votes cast for Henry S. Slinkard.....	67

Whole number of votes cast, one hundred and forty-eight;  
necessary to a choice, seventy-five.

Milton James having received a majority of all the votes cast,  
the President of the Senate declared him duly elected Trustee of  
the Deaf and Dumb Asylum.

Senator Skinner nominated George W. Sanford of Lake county,  
for the office of Trustee of the Soldiers' Orphans' Home.

Mr. Thompson of Henry, nominated J. W. Carmichael, of  
Greene county for the same office.

*Those who voted for George W. Sanford, on the part of the House were,*

Messrs. Ames, Arnold, Barney, Bellows, Bence, Brown of Rush,  
Burson, Caldwell, Cantley, Collins, Crane, Crumpacker, Davison,  
Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison,  
Havens, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of  
Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion,  
Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of  
Boone, Marvin of Fountain, Megenity, Montgomery, McCord,  
McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Pfafflin, Ram-  
sey, Reddick, Reno, Romine, Roseberry, Shaw, Snyder, Taylor of  
Daviess, Thompson of Marion, Walz, Washburn, Waterman, Wil-  
lett, Williams of Brown and Mr. Speaker—60.

*Those who voted for George W. Sanford, on the part of the Senate were,*

Messrs. Bell, Boone, Bowman, Cree, Culbertson, Davidson, Dyke-  
man, Givan, Grove, Harney, Henderson, Hendricks, Humphries,  
Johnson of Floyd, Maxwell, Peed, Ringo, Sarnighausen, Skinner,  
Slater, Smith, Stockslager, Wilson and Winterbotham—24.

*Those who voted for J. W. Carmichael, on the part of the House were,*

Messrs. Anderson, Brown of Jasper, Charters, Clark, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Glasgow, Harris of Wayne, Heighway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Miller of Parke, Miller of Vanderburgh, Morgan, McFadden, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shortridge, Shugart, Smith, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—38.

*Those who voted for J. W. Carmichael on the part of the Senate were,*

Messrs. Baxter, Beardsley, Bearss, Bunyan, Cardwell, Chapman, Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Hough, Howard, Johnston of Parke, LaRue, Major, Neff, Oliver, Rhodes, Roe, Scott, Sleeth, Thompson, Tobin and Underwood—26.

Whole number of votes cast for George W. Sanford on the part of the Senate.....	24
On the part of the House.....	60
	—
Total number of votes cast for George W. Sanford.....	84

Whole number of votes cast for J. W. Carmichael, on the part of the Senate .....	26
On the part of the House.....	38
	—
Total number of votes cast for J. W. Carmichael.....	64

Whole number of votes cast, one hundred and forty-eight; necessary to a choice, seventy-five.

George W. Sanford having received a majority of all the votes cast, the President of the Senate declared him to be duly elected Trustee of the Soldiers' Orphans' Home.

Senator Dykeman nominated J. T. Richardson, of Carroll county, for the office of Trustee of the Insane Asylum.



Senator Cardwell nominated W. A. Pugh, of Rush county, for the same office.

*Those who voted for J. T. Richardson, on the part of the House were,*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davison, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—57.

*Those who voted for J. T. Richardson on the part of the Senate were,*

Messrs. Bell, Boone, Bowman, Cree, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Henderson, Hendricks, Humphreys, Johnson of Floyd, Maxwell, Peed, Ringo, Sarninghausen, Skinner, Slater, Smith, Stockslager, Wilson, Winterbotham—24.

*Those who voted for W. A. Pugh, on the part of the House were,*

Messrs. Ames, Anderson, Brown of Jasper, Charters, Clark, Crumpacker, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Glasgow, Harris of Wayne, Heighway, Jackson, Kennedy of Montgomery, Kennedey of Morgan, Lanham, Lincoln, Miller of Parke, Miller of Vanderburgh, Morgan, McFadden, Pfafflin, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shortridge, Shugart, Smith, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody, Wynn—41.

*Those who voted for W. A. Pugh, on the part of the Senate were,*

Messrs. Baxter, Beardsley, Bearss, Bunyan, Caldwell, Chapman, Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Hackle-

man, Haworth, Hough, Howard, Johnston of Parke, LaRue, Major, Neff, Oliver, Rhodes, Roe, Scott, Sleeth, Thompson, Tobin, Underwood—26.

Whole number of votes cast for J. T. Richardson on the part of the Senate.....	24
On the part of the House.....	57
<hr/>	
Total votes cast for J. T. Richardson.....	81

Whole number of votes cast for W. A. Pugh on the part of the Senate.....	26
On the part of the House.....	41
<hr/>	
Total vote cast for W. A. Pugh.....	67

Whole number of votes cast one hundred and forty-eight.

Necessary to a choice, seventy-five.

J. T. Richardson having received a majority of all the votes cast, the President of the Senate declared him to be duly elected Trustee of the Insane Asylum.

Mr. Davis nominated Lycurgus Dalton, of Lawrence county, for the office of State Librarian.

Mr. Cardwell nominated Mrs. Sarah A. Oren, of Marion county, for the same office.

*Those who voted for Mr. Lycurgus Dalton, on the part of the House were,*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davison, Davis, Edwards, Evans, Gossman, Harris of Madison, Havens, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, McCord, McMichael, Nash, Pate, Patterson, Pyeatt, Ramsey, Reddick, Reno, Romine,

Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—56.

*Those who voted for Lycurgus Dalton, on the part of the Senate were,*

Messrs. Bell Boone, Bowman, Cree, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Henderson, Hendricks, Humphries, Johnson of Floyd, Maxwell, Peed, Sarnighausen, Skinner, Slater, Smith, Stockslager, Wilson and Winterbotham—23.

*Those who voted for Mrs. Sarah A. Oren, on the part of the House, were,*

Messrs. Ames, Anderson, Brown of Jasper, Charters, Clark, Crumpacker, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Gilbert, Glasgow, Harris of Wayne, Heighway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Miller of Vanderburgh, Morgan, McFadden, Osborn, Pfafflin, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shortridge, Shugart, Smith, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wyrn—42.

*On the part of the Senate those who voted for Mrs. Sarah A. Oren were,*

Messrs. Baxter, Beardsley, Bearss, Bungan, Bardwell, Chapman, Daggy, Friedely of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Hough, Howard, Johnston of Parke, La Rue, Major, Neff, Oliver, Rhodes, Ringo, Roe, Scott, Sleeth, Thompson, Tobin and Underwood—27.

Whole number of votes cast for Lycurgus Dalton, on the part of the Senate..... 23

On the part of the House..... 56

Total votes cast for Lycurgus Dalton..... 79

Whole number of votes cast for Sarah A. Oren on the part of the Senate..... 27

On the part of the House..... 42

Total votes cast for Sarah A. Oren..... 69

Whole number of votes cast, one hundred and forty-eight.

Necessary for a choice, seventy-five.

Lycurgus Dalton having received a majority of all the votes cast, the President of the Senate declared him duly elected State Librarian.

The President of the Senate said the purpose for which the Joint Convention assembled having been accomplished, I now declare it adjourned *sine die*, and the President of the Senate and Senators retired to their chamber.

On motion of Mr. Wynn, the House adjourned until this afternoon at 2 o'clock.

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#### AFTERNOON SESSION.

The House met pursuant to adjournment, the Speaker in the chair.

Mr. Heller, from the Committee on Scientific and Benevolent Institutions, submitted the following minority report:

MR. SPEAKER:

As an individual member of the Committee on Scientific and Benevolent Institutions, I beg leave to disagree with the majority in their report on House Bill No. 389, locating an Insane Asylum upon the grounds of the State, near Indianapolis, and now used for the above purposes. Some of the reasons that induce me to take this course I will briefly state as follows:

First—The erection of two asylums upon the same grounds would, from necessity and the surrounding circumstances, throw them both under one management, with a view to the saving of expense. When so much is accomplished, an effort will at once be made to put all the Benevolent Institutions in Marion county under

the same control, whereby a ring of immense proportions will at once be formed ; a ring that will defy all attempts at investigation. The positions will be a prize of such magnitude that the politics of the State will eventually succumb to its behests. Centralization is a thing to be avoided, at the present time, as one would fly from the sting of an adder.

Second—It undoubtedly is to the best interest and welfare of the rural districts to keep all invested rights within their own control, for enough is being purloined from time to time to keep the most indolent on their guard, for to let a thing pass from one's reach and yet remain in sight, is a torment the best of us find hard to bear.

Third—The experience of many of the older States shows the policy of having them placed at extreme points, when the proper railroad facilities can be obtained.

Fourth—From the best information we have at hand, the location of the present Asylum is not as healthy as many other locations in the State, a thing of the first importance, and one that can not be overlooked in the erection of new buildings.

Fifth—It is thought that eight acres of land now owned by the State can be disposed of at a price that will be sufficient (\$125,000) to build at least half of one of the new ones proposed, for it will be remembered that the Senate Bill only asks for the same amount for the building of two that the House Bill does for the erection of one, and then we have not considered in this estimate a probable donation from both the North and the South of one hundred and sixty acres of land from each, and putting that at the small sum of one hundred dollars per acre, will amount to the neat little sum of thirty-two thousand dollars in round numbers, a matter not to be lightly cast aside in these times, when the cry comes from all quarters that money is scarce.

Sixth—If the Senate Bill is adopted, which it should be, we will have to commence with one hundred and fifty-seven thousand dollars that need not be taken direct from the pockets of the people, leaving three hundred and fifty-three thousand to be raised by direct taxation instead of five hundred thousand as the House Bill proposes.

Seventh—For the health and general benefit of patients, humanity demands that we select from among the healthiest and most roman-

tic places the State affords. The interest of the State can best be preserved by keeping these people who are filled with disease, and therefore subjects of epidemics and contagion at as great a distance from each other as possible. Experience has proven that to keep more than five hundred of them in one locality is not only dangerous to the patient, but also to the surrounding neighborhood.

Eighth—If we build but one only five or six hundred of those now confined in county jails and poor houses can be accommodated, leaving at least one thousand unprovided for, and that number constantly increasing.

Now then let us act wisely and provide for all these unfortunates.

Ninth—If two are built with sufficient capacity for the reception of all who now need our care and sympathy, the credit of the State will be greatly enhanced, for nothing passes for so much abroad as hospitality and charity.

None of us know how soon we may be in want of such a place for ourselves or some of our friends, and then to be near each other that we may at any time, by a short ride, make ourselves known or felt in the presence of an institution, must have a salutary effect, not only upon the patient, but the management also.

Tenth—I now ask members of the House, without distinction of party, to examine this matter well, and not be mislead by the syren song of the capitalists that are located near the centre of the State, who only have at heart the money that can be made by the location of the institution in their midst, and not the welfare of the poor unfortunate beings whom Heaven itself has seen fit to frown upon, and by some unknown hand have been struck from the roll of usefulness, and are compelled to drag out a long, weary, painful, and perhaps unconscious existence.

Many of them are disgusting in the sight of rational beings, and it is but justice that we should place them beyond the sight of the world at large, and make them as comfortable as possible while life lasts, and when they pass away give them a respectable burial. Then we will have done all that an enlightened age requires of us.

MAHLON HELLER.

Mr. Burson move to make the Minority Report, submitted by Mr. Heller, the special order for Friday at 2 o'clock.

Which motion prevailed.

The Committee on Elections submitted the following report :

MR. SPEAKER :

Your Committee on Elections, to whom was referred House Bill No. 70, introduced by Mr. Kennedy of Morgan, entitled "An act to define bribery in certain cases, and to prescribe punishment for persons bribed to vote," have had the same under consideration and have directed me to report said bill back to the House with the recommendation that it do lie upon the table.

Which report was concurred in, and the bill ordered to lie on the table.

Mr. Kennedy of Montgomery, from the Committee on Judiciary, submitted the following report :

MR. SPEAKER :

Your Committee on Judiciary, to whom was referred House Bill No. 309, touching the labor of convicts in the State Prisons, have duly considered the same, and have agreed to report it back to the House for its action, without recommendation, and the same is herewith returned.

Which report was concurred in, and the bill ordered engrossed.

Mr. Kennedy of Montgomery, from the Committee on Judiciary, submitted the following report :

MR. SPEAKER :

Your Committee on Judiciary, to whom was referred House Bill No. 299, authorizing County Boards to make allowances to Prosecuting Attorneys of Criminal Circuit Courts, have duly considered the same and recommend its passage,

Which report was concurred in.

Mr. Horn moved to suspend the order of business and read House Bill No. 299, a third time now.

Which motion did not prevail, and the bill was ordered to be engrossed.

The Committee on Claims submitted the following report:

MR. SPEAKER :

The Committee on Claims, to whom was referred the claim of A. E. S. Long for two hundred and thirty-five dollars, having carefully considered said claim, do authorize me to report the same back to the House with the recommendation that it be allowed.

Which report was concurred in and, on motion of Mr. Miller of Vanderburgh, referred to the Committee on Ways and Means.

The following message was received from the Governor :

MR. SPEAKER :

By direction of the Governor, I have the honor to transmit a communication from His Excellency relative to the protection and encouragement of certain manufacturing interests in this State. A duplicate thereof has been transmitted to the Senate.

SAMUEL R. DOWNEY,

Private Secretary.

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, February 17, 1875.

TO THE GENERAL ASSEMBLY :

I have been requested to lay before you certain documents, in relation to the manufacture of polished plate glass in this State, and in relation to the tax, proper to be imposed upon that quality of glass when imported into the United States.

The documents are:

1. A letter to myself from W. C. DePauw, Esq., under date of February 4, 1875.



2. A resolution adopted at a meeting of Indiana manufacturers, held in Indianapolis, on the second and third days of February, 1875.

3. A copy of a memorial to Congress, at the present session, by Jesse J. Brown, Esq., of New Albany, Indiana.

4. A copy of a letter from Mr. DePauw to Hon. O. P. Morton, of date, January 4, 1875.

The object of the parties interested in having these documents presented, is, that your attention may be called to the extent and importance of the manufacture of polished plate glass in this State, and that if you deem it proper, you may make some declaration that will benefit the interest in its consideration by Congress.

In considering what, if any expression, you may make favorable to this interest of our State, I call your attention to the facts that the enterprise was hazardous, and required a large investment of capital; that it has resulted in individual loss, but that its production has been of great excellence; that heavy plate glass is a costly article, but that the greater part of its value is from the expenditure of skill and labor in its manufacture, and that its production gives employment to a large number of artisans and laborers.

THOMAS A. HENDRICKS,

Governor.

DOCUMENT No. 1.

(Letter from W. C. DePauw.)

INDIANAPOLIS, February 14, 1875.

TO HIS EXCELLENCY THOS. A. HENDRICKS,

Governor of Indiana.

DEAR SIR:—I have the honor of laying before you a memorial from Hon. J. J. Brown, of New Albany, Indiana, to the Congress of the United States, asking Congress to properly protect the manufacture of American plate glass. Also, a letter written by myself to Hon. O. P. Morton on the same subject.

These documents were considered of such public importance as to be printed by order of the United States Senate.

The convention of manufacturers of Indiana, representing very large interests, assembled in this city yesterday without my solicitation or expectation, unanimously passed the preamble and resolution of which I enclose you a copy.

It was also ordered by the convention that the Secretary transmit said resolution to each of our Representatives and Senators in Congress.

In this great struggle against the combined interests of Europe in this department of manufacture, kind words of cheer and encouragement from the Governor and Representatives of my native State would be very grateful as well as of great advantage to me.

And if the Legislature should, with your approval, ask Congress to give fair, just and necessary protection by tariff duties, and the honest enforcement of the same to the manufacturers of polished plate glass, America will in a few years make her own plate glass, thus adding many tens of millions to her wealth, and tens of thousands to the number of her skilled workmen, and employment to many of her now idle laborers.

I am, your obedient servant,

W. C. DEPAUW.

#### DOCUMENT No. 2.

(Copy of Resolution of Indiana Manufacturers).

WHEREAS, The Plate Glass Works, at New Albany, Indiana, the only works in America that are successfully making Polished Plate Glass, therefore,

*Resolved*, As the sense of this meeting, that this important branch of manufacturing ought to be encouraged by such tariff duties as will enable American manufacturers to successfully compete with foreign plate glass makers.

Introduced by Hon. M. D. Manson, and passed unanimously.

## DOCUMENT No. 3.

43D CONGRESS, }  
2D SESSION. }

SENATE.

{ MIS. Doc.  
{ No. 38.

## MEMORIAL OF

JESSE J. BROWN,

## IN FAVOR OF

*Protection and encouragement of the manufacturers of Polished Plate Glass.*

JANUARY 18th, 1875.—Referred to the Committee on Finance, and ordered to be printed,

NEW ALBANY, IND., January 4th, 1875.

*To the Senate and House of Representatives:*

While in Vienna in the summer of 1873, attending the Exposition, I received from W. C. DePauw, Esq., of this city, manufacturer of plate-glass, a communication requesting me to obtain some special information pertaining to the subject. In pursuit of this information I visited some of the most extensive manufactories of glass in Germany, Belgium, France and England. Among other matters of interest, I was greatly surprised at the amount of capital invested in this branch of productive industry, in many establishments, amounting to millions in a single manufactory, and sometimes employing a thousand hands.

I found in Germany one establishment, of very large capital, owned and controlled exclusively by French capital. Their market for the product of the works was nearly altogether continental, making but very limited shipments to this country, and seemingly uninformed as to the great and increasing demand for plate-glass on this side of the Atlantic. In these works, however, I found the wages paid very much less than with us. The first establishment I visited in Belgium I found great difficulty in getting access to, and

after admission, was frankly told that their trade was nearly all from North America, and that they must decline giving me any information which would, in any particular, be valuable to what might be a competitor. I stated to one of the proprietors frankly, for what object I visited his works, and that I should indulge in no hard feelings if I was denied what I sought, when he respectfully refused to communicate any information on the question propounded. I learned, however, that his order book was full for six months' work.

When I reached France, through letters from our minister, Hon. E. B. Washburne, I was at once introduced to parties controlling the largest production of plate glass in the world. The office is headquarters of a combination of several large establishments of Germany, Belgium and France, being united at Paris. After a long and very interesting interview with the general agent at this office on the production and manufacture of glass, I proposed to him the consideration of uniting with a few gentlemen of capital to prosecute and develop the interest in the United States, assuring him that the requisite amount of money would be furnished from their organization. To this suggestion I at once received the reply that until we had density of population equal to the different portions of Europe, where this great industry was so successfully carried on, we could not hope to successfully compete them, as the difference in the price of labor with us was in itself, without any other consideration, a fair profit.

In presenting the subject with reference to the great advantages possessed by us, such as the great abundance of crude material, cheap fuel, etc., I also mentioned that until we could be placed on something like an equal footing in this country with the foreign production, that with a proper and truthful representation to the Government I thought we could have such protection as this great and increasing interest should require for its full development and success, in an adjustment of the tariff as far as it was fair and judicious to all interests.

This suggestion was met with apparent indifference, and with the remark that they cared nothing for our tariff; that the many advantages they had would overcome any duty we should probably impose. To my reply that I saw no way in which we could have a fair competition in our own market, except to come home and work for an increased duty, the reply was, that shippers understand how to evade tariffs.

In making the foregoing statement, I do so without any personal, present or remote interest in the manufacture of glass, direct or otherwise, and do it with a sincere desire that this great interest, for which we as a nation are paying to other countries millions annually, may receive such encouragement and protection from our own Government, that those who are now striving to supply our own wants may be crowned with success in their efforts to successfully compete with the foreign article.

JESSE J. BROWN.

Subscribed and sworn to before me, this 12th day of January, 1875.

[SEAL.]

WILLIAM J. HISEY,  
Notary Public, Floyd County, Indiana.

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STAR GLASS COMPANY,  
NEW ALBANY, IND., January 4, 1875.

*My Dear Governor*—Millions have been lost in America in attempts to make polished plate-glass. Every effort has ended disastrously; ruin and ruin only, has been reaped by those engaged in it. Over a hundred millions is invested abroad in its manufacture. The agents in America are wealthy and powerful. The foreign makers say publicly and defiantly, "We have had a long, profitable trade in America; we can afford, and will sell glass for years at a loss, rather than yield this trade to American manufacturers."

The American sellers say they will sell glass at a heavy loss, and intimate a determination to do so until all American effort to make it is crushed. As you know, I am making plate glass here; have over a million of dollars invested therein and am fighting this battle for America and Americans solitary and alone; my losses thus far have aggregated over \$300,000, but this year, I am glad to say, are reduced to \$35,000, (against a loss of \$102,000 in 1873;) and, with such aid as I am fairly entitled to from the Government, I can win this battle for America, and put on a permanent basis a business that in a few years, will employ tens of thousands of men, and and reduce our imports many millions of dollars.

A reduction of duty would be death to this and all other attempts in America. But if the law be so modified as more effectually to

guard against frauds, present duties, slightly increased as below, if honestly collected, will protect American manufacturers.

The opinion is very wide-spread, that under the present system of rebate and drawback, the Government gets but a small part of the duty. If, therefore, the laws be so modified as that all glass under 24 by 60 should pay  $22\frac{1}{2}$  cents per square foot, and all over 24 by 60 should pay 45 cents per square foot, (present tariff,) without any rebate, drawback, or reduction of any kind on pretense of or for any actual breakage or otherwise, I think the revenue would be doubled, and American manufacturers fairly protected.

My friends, here and elsewhere, are urging me to ask the present Congress to modify the law above indicated. Will you please give me your opinion as to the propriety of so doing, and the probability of success? As to our works, I respectfully refer you to the Hon. M. C. Kerr, and I ask your attention to the accompanying affidavit of Hon. J. J. Brown.

Yours, very truly,

W. C. DEPAUW.

GOVERNOR MORTON,

*United States Senate, Washington, D. C.*

INDIANAPOLIS, February 3, 1875.

At a meeting of gentlemen representing over fifty incorporated manufacturing companies in the State, held at the Bates House, in this city, yesterday and to-day, the following Preamble and Resolutions was introduced by Hon. M. D. Mason, and unanimously adopted :

WHEREAS, The Plate Glass Works of New Albany, Indiana, are the only works in America that are successfully making Polished Plate Glass, therefore,

*Resolved*, As the sense of this meeting that this important branch of manufacturing ought to be encouraged by such tariff duties as will enable American manufacturers to successfully compete with Foreign plate glass makers.

The Committee on Rights and Privileges submitted the following report :

MR. SPEAKER :

Your Committee on Rights and Privileges, to whom was referred Senate Bill No. 21, have had the same under consideration and direct me to make the following report : Amend section one line fifteen by striking out the words "or other ammunition," and when so amended we recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

The Committee on Rights and Privileges submitted the following report :

MR. SPEAKER :

Your Committee on Rights and Privileges, to whom was referred House Bill No. 334, an act making it a penal offense for any engine, contractor or other person having control of any railroad freight train, to block up or hold such train across any street or public highway," report said bill back to the House with the following amendments, to-wit: That after the word "person," in section first of said bill, tenth line, insert words "not exceeding ten minutes," and when so amended recommend that said bill be passed.

Which report was concurred in, and the bill ordered to be engrossed.

The Committee on Rights and Privileges submitted the following report :

MR. SPEAKER :

Your Committee on Rights and Privileges, to whom was referred House Bill No. 384, amending fish law, have had the same under advisement and direct me to return it and recommend that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

The special order being House Bill No. 304; the question was on the tabling of Mr. Havens' amendment.

The ayes and noes being demanded,

*Those who voted in the affirmative were,*

Messrs. Arnold, Bellows, Bence, Brown of Jasper, Burson, Caldwell, Charters, Clark, Collins, Crane, Crumpacker, Davison, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Harris of Wayne, Haynes, Highway, Henderson, Horn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Leeper, Lincoln, Martin of Wells, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, Morgan, McCord, McFadden, Osborn, Pyeatt, Ramsey, Ratliff, Ragan, Reddick, Reeder, Reno, Romine, Roseberry, Shortridge, Shugart, Smith, Snyder, Taylor of Tipton, Thomas, Trusler, Twibill, Walz, Waterman, Willett, Williams of Brown, Woody and Wynn—64.

*Those who voted in the negative were,*

Messrs. Anderson, Barney, Brown of Rush, Dale, Darnall, Gossman, Havens, Heller, Hopkins, Jackson, Johnson of Carroll, Johnston of Dearborn, Lanham, Law, Martin of Franklin, Marvin of Boone, Miller of Vanderburgh, McMichael, Patterson, Pfafflin, Ribble, Shaffer, Shaw, Taylor of Daviess, Thompson of Henry, Washburn and Williams of Lawrence—27.

So the amendment to the amendment was laid upon the table.

Mr. Willett offered the following amendment to the amendment :

Strike out the words "six months" and insert in lieu thereof, the following words: Within three years at the rate of one-third of the entire length of any such railroad in miles, now unfenced, each year, within one year after the taking effect of this act, one-third; within the year next succeeding, one-third; and and within the next succeeding year the remaining one-third; and in case of failure to fully complete the entire third required by this act to be fenced in any one year, then said company and said persons shall be liable to the penalties of this act, for the whole of such



year; and in erecting any one-third of said fence, the third so erected must be a full and entire fence for the one-third in miles of the unfenced portion of said railroad, and not the part completed of the whole or any part of such unfenced portion of road.

Mr. Forkner moved to lay the amendment to the amendment on the table.

Messrs. Willett and Crumpacker demanded the ayes and noes.

The question being, shall the amendment to the amendment lie upon the table?

*Those who voted in the affirmative were,*

Messrs. Anderson, Caldwell, Clark, Collins, Crane, Dale, Forkner, Gilbert, Gossman, Havens, Hopkins, Johnson of Carroll, Johnston of Dearborn, Lanham, Marvin of Boone, Miller of Vanderburgh, Montgomery, Morgan, McFadden, McMichael, Patterson, Shaffer, Taylor of Tipton, Thomas and Walz—25.

*Those who voted in the negative were,*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Cantley, Charters, Crumpacker, Darnall, Davison, Davis, Edwards, Emerson, Evans, Favorite, Fulk, Glasgow, Harrison, Harris of Wayne, Haynes, Highway, Henderson, Horn, Jackson, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Fountain, Megenity, Miller of Parke, McCord, Nash, Osborn, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody and Wynn—69.

So the amendment to the amendment was not laid on the table. /

Mr. Crane made the following motion:

That the bill with amendments be referred to the Judiciary Committee, with instructions to report a bill in lieu of it, providing that in all cases where land owners along the line of a railroad desire the same fenced, they may give notice to the railroad company and said railroad company shall be required to build one-half the fence.

Which motion prevailed.

The Speaker announced the first business in order was the unfinished business of yesterday, being the consideration of House Bill No. 345.

And, on motion of Mr. Marvin of Boone, the House went into Committee of the Whole.

Mr. Marvin of Boone, was called to the chair.

The Committee arose, and Mr. Marvin of Boone, from the Committee of the Whole, submitted the following report.

MR. SPEAKER:

The Committee of the Whole House, having had under consideration House Bill No. 345, report that they will require further time for consideration before reporting upon said bill.

Which report was passed over formally, for further consideration to-morrow.

Mr. Collins moved to reconsider the vote taken yesterday on House Bill No. 282, and, on motion of Mr. Martin of Wells, said motion was made the special order for to-morrow morning at 11 o'clock.

On motion of Mr. Havens, the House adjourned until to-morrow morning at 10 o'clock.

DAVID TURPIE,

Speaker.







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